Historical Collections

OF { *Private Passages of* STATE. / *Weighty Matters in* LAW. / *Remarkable Proceedings in* Five Parliaments.

BEGINNING

The Sixteenth Year of KING

JAMES,

ANNO 1618.

And ending the Fifth Year of KING

CHARLS,

ANNO 1629.

Digested in Order of TIME,

And now Published

By *JOHN RUSHWORTH*

of *Lincolns*-Inn, Esq;

Prima est Historiæ lex, nè quid falsi dicere audeat; deinde, nè quid veri non audeat: nè qua suspicio gratiæ sit in scribendo, nè qua simultatis. M. T. Cicer. de Orat.



London, Printed by *Tho. Newcomb* for *George Thomason*, at the Sign of the Rose and Crown in St *Pauls* Churchyard. 1659.



Poor pointe out the Caledonian Iarres,
Hastingeer to our intestine Warres.
Lion, pleasant gardant wonders much
Those Fowles dare presume his Chiefe, to touch.
f from Swordes of Scottish Prelates hurt,
Ona's dire Alarms should rouze the World:
Lion, & y' Pope bent to engage,
Peace at Breach in change y' Scene, & Stage.
wide doth Spread
Cruelty, y' seemed as dead,

I. *And makes y' Lioness an Instrument*
To breake that Peace, *and a fourth* Parlament.
G. *The Pope invades y' Lion at the Line Flood;*
They fo'lat, make Truce, & stop from shedding Blood.
H. *The British Notes sound flat, to those more sharp*
Divisions, Ecchod from the Irish Harp.
I. *The* Parlament *convened, the* Lion *try'd*
By Charging Five, *The Members to devide.*
K. *First* Iustice, *next no* Bishop, Privilege *last*
Cry Multitudes, make to the Houses *haste.*





L. The Lions third Roare, prooving fatall, drew
Such Woes, as rarely former Ages knew.
M 'Twas a Curst Cow kickt down y' Milk shee gave:
Let us old Englands Lawes, and Freedome have!
N. Celestiall Manna! thy Spirituall Food
O.P. Fed Them with Peace, & Plenty, all that's Good.
Q. A blazing Comet thy Backsliding showes,
R Predicteth Ruine, & presenteth woes.
S. The Faithfull build them Churches, but are stopt
By Papists, who at th' Annua Bulla mockt.

T. Great Cæsar to y' Romans Camp
His Stately Nephew, and creates him
V Prague gives y' Crown to Frederick
His Sword to assert the Germans &
W. Then from high Windowes, unmanner
The Emperours Councell are
XY. The Bloud neer Prague
Like Iehu out Warr
Z. What Decollations then
Outacted Popish Sa



Historical Collections

OF *Private Passages of* STATE.
Weighty Matters in LAW.
Remarkable Proceedings in Five Parliaments.

BEGINNING
The Sixteenth Year of KING

JAMES,

ANNO 1618.

And ending the Fifth Year of KING

CHARLS,

ANNO 1629.

Digested in Order of TIME,

And now Published
By *JOHN RUSHWORTH*
of *Lincolns*-Inn, Esq;

Prima est Historiæ lex, nè quid falsi dicere audeat; deinde, nè quid veri non audeat: nè qua suspicio gratiæ sit in scribendo, nè qua simultatis. M. T. Cicer. de Orat.



London, Printed by *Tho. Newcomb* for *George Thomason*, at the Sign of the Rose and Crown in St *Pauls* Churchyard. 1659.


Richard Jones Esq. 1707

TO HIS

HIGHNESS RICHARD

LORD PROTECTOR of the Commonwealth of *England*, *Scotland*, and *Ireland*, and the Dominions and Territories thereunto belonging.

May it pleaſe your Highneſs,



He Poor Widow came far ſhort of others in her offers into the Treaſury, and yet when ſhe had given her two Mites, ſhe had given all ſhe had: I muſt fall ſhort of her; ſhe gave of her own, (for the two Mites appear to have been ſo) but ſuch is the weakneſs of my condition, and the nature of this enſuing Diſcourſe, that I neither can, nor ſhall herein preſent to Your Highneſs *any thing of my own. The words, actions, and atchievements herein related, belong all to other Perſons, and I can challenge but the bare Repreſentation, and the molding them into ſuch a Body, wherein they now appear: A Body, not of ſo compleat a ſhape or pourtraiture as may be worthy Your* Highneſs *Aſpect.*

Its not amiſs for Princes to hear of, and read the Actions or Miſcarriages of Princes, nay of leſſer perſons: Indeed they can hardly ſet more uſeful Books

before their Eyes. It is hard for the Pilot *to eſcape, unleſs he hath firſt diſcovered thoſe Shelves and Rocks, upon which others have been ſplit: What is that we call* Prudence *or* Policy, *but a* Syſteme *of* Obſervations *and* Experiences *deducted from other Mens Principles, Practiſes, Purpoſes, and Failings?*

As to the matter contained in this Story, relating to Arbitrary courſes, given way unto by former Princes, *I ſhall make bold to uſe the expreſsion of an eminent perſon in his time, ſpoken in full* Parliament *at the Tryal of the Earl* Strafford, *who ſpeaking of an endeavor that had been uſed to ſubvert the* Laws, *and to introduce* Arbitrary Government, *has (among other Paſſages) this* Obſervation, There is in this Crime a Seminary of all Evils hurtful to a State, and if you conſider the Reaſons of it, it muſt needs be ſo. The Law is that which puts a difference betwixt Good and Evil, betwixt juſt and unjuſt; if you take away the Law, all things will fall into a confuſion, every man will become a Law to himſelf; which in the depraved condition of Humane Nature, muſt needs produce many great enormities; Luſt will become a Law, and Envy will become a Law, Covetouſneſs and Ambition will become Laws; and what Dictates, what Deciſions ſuch Laws will produce, may eaſily be diſcerned. The Law is the Safeguard, the Cuſtody of all private Intereſt; your Honors, your Lives, your Liberties, and Eſtates, are all in the keeping of the Law; without this every man hath a like right to every thing; what can be more hurtful, more pernicious, then Arbitrary Power? &c. *Thus far that* Gentleman: *Your* Highneſs *will finde here the mention*

mention of a great Prince, *who was wont to ſay,* He was an old experienced King, *and to him belonged the Calling, Sitting, and Diſſolving of* Parliaments; *and he publickly ſaid (I ſpeak in his own phraſe)* That
A he had broke the neck of Three Parliaments, *yet at laſt he did comply with his laſt* Parliament; *and ſaid,* He ſaw he ſhould be in love with Parliaments, having underſtood many things by them, which otherwiſe he ſhould never have known.

Moreover here You will have in view a ſucceeding
B Prince, *who alſo broke* Three Parliaments, *one after another, and how fatal that was to him ſucceeding times have abundantly declared. The* Obſervation *is not mine, but of much more ancient date, thoſe* Princes *who did moſt conſult with their People in* Parliament,
C *(that being the* Common Council *of the* Nation) *have moſt proſpered in their courſes, there being both Safety and Love gained from ſuch* Counſellors *and* Councils. *And* Parliaments *in the nature of them, are good Phyſick to cure and redreſs the Diſ-*
D *eaſes and Diſtempers of the* Body Politick, *which moſtly grow and overflow in the Intervals of them; yet many think* Parliaments *are but an ill conſtant Dyet, which certainly moved Queen* Elizabeth, *of famous Memory, who was well acquainted with the*
E Conſtitution *of the* Body *of this* Nation, *to call* Parliaments *frequently, but to continue none very long. By this means ſhe wrought her ſelf into the good opinion of her People, and by becoming the Miſtreſs of their Affections, ſhe alſo became in ſome ſort the*
F *Miſtreſs of their Purſes, which were always opened unto her upon the juſt and urgent occaſions of the* Nation; *but the Help and Aid which comes from the People by ſtrains, contrary to the Laws of the* Nation, *and*

Liberties

Liberties of the People, being drawn from them through fear, wants the perfume of a willing Heart, and has no longer continuance then whilſt the impreſsion of that fear laſts. But few words are beſt to Princes; *vouchſafe Your* Highneſs *Pardon to him who thus preſumes to make ſo mean an* Oblation *at ſo high an* Altar; *Your good* Acceptation *will be the greateſt Honor to it, and to*

Your Highneſs

humbleſt and moſt

Obedient Servant

JOHN RUSHWORTH.

THE

THE PREFACE.



MY Buſineſs in this enſuing Work, is to render a faithful account of ſeveral Traverſes of State, and of the moſt important Paſſages in debate, between the reſpective Advocates for *Prerogative* and *Liberty*: the Diſpute was ominous and fatal, as being the Introduction, and that which gave the Alarm to a *Civil War*; a War, fierce, unnatural, and full of wonderful coincidences, both in the Cauſes and Conſequences of it, *Humanum eſt humanis caſibus ingemiſcere*. Therefore if I ſtudied to pleaſe my ſelf, and gratifie the inclination of my own temper and affection, you might peradventure hear from me, of the Courage, Exploits, and Succeſs of my Countrey-men in Forein Expeditions, but not of their Animoſities in Domeſtick Encounters: Yet certainly of ſome uſe it may be to us, and of concernment alſo to thoſe that may come after us, *Infandum renovare dolorem*, to conſider indifferently how we came to fall out among our ſelves, and ſo to learn the true cauſes, the riſes and growths of our late *Miſeries*, the ſtrange Alterations and Revolutions; with the *Characters* of divers eminent Perſons, the Mutability of *Councils*, the Remarkableneſs

neſs of *Actions*, the Subtilty of *Pretentions*, the Drifts of *Intereſts*, the Secrets of *State*, and (which are the words of an Act of *Parliament*) the deportment of a Prince, *wiſely diſſimulating with his People*. From ſuch premiſſes, the beſt Deduction which can be made, is, to look up to, and acknowledge *God*, who onely is unchangeable, and to admire his Wiſdom and Providence even in Humane Miſcarriages: For *Empires*, and *Kingdoms*, and *Commonwealths* every where in the World have their *Periods*, but the *Hiſtories* thereof remain and live, for the Inſtruction of Men, and Glory of *God*.

I finde an Expreſsion in Sir *Walter Raleigh's* Preface to his *Hiſtory of the World*, which ſeems to ſuit well with theſe *Collections*. I ſhall make ſo far bold with that Memorable Perſon, whoſe death bears a ſad part in this Story, as to borrow his own words.

It is not the leaſt debt (ſaith he) *which we ow unto Hiſtory, that it hath made us acquainted with our dead Anceſtors, and delivered us their Memory and Fame: Beſides, we gather out of it a Policy no leſs-wiſe then Eternal, by the Compariſon and Application of other Mens fore-paſſed Miſeries, with our own-like Errors and ill-deſervings; but it is neither of Examples the moſt lively Inſtructions, nor the Words of the wiſeſt Men, nor the Terror of future Torments, that hath yet ſo wrought in our blinde and ſtupified Mindes, as to make us remember, That the infinite Eye and Wiſdom of God doth ſo pierce through all our pretences, as to make us remember, That the Juſtice of God doth require no other accuſer then our own* Conſciences.

And

And though it hath pleased God to reserve the art of reading mens thoughts to himself; yet as the Fruit tells the name of the Tree, so do the outward Works of men, so far as their Cogitations are acted, give us whereof to ghess at the rest: No man can long continue masqued in a counterfeit behaviour; The things that are forced for pretences, having no ground of truth cannot long dissemble their own natures.

A

And although Religion (saith he) *and the truth thereof be in every mans mouth, what is it other then an universal dissimulation? We profess that we know God, but by works we deny him:* Beatitudo non est divinorum cognitio, sed vita divina. *There is nothing more to be admired, nothing more to be lamented, then the private contention, the passionate dispute, the personal hatred, &c. about Religion amongst Christians, insomuch as it hath well near driven the practice thereof out of the world: So that we are in effect* (saith he) *become Comedians in Religion; For,* Charity, Justice, *and* Truth, *have but their being in Terms amongst us.*

B

C

D

In the close of his Preface, he adviseth the Reader to take heed how he follows Truth too close at the heels, lest it strike out his teeth. I hope this Story begins with a distance of time, not so far off, as the footsteps of Truth are worne out, nor yet so near, as the heels of it need to be feared. But this I am sure, That had I not gone so far back as I do, I had not reached the *Fundamentals* to the *History of these Times*. It hath been observed by some, That most Historians speak too much, and say too little: I doubt others will think, I speak too little, and say too much. So it will be difficult to please all.

E

F

I know very well, the *Collections* which I publiſh will receive no advantage nor commendation from the *Collector*: And that it may likewiſe receive no prejudice, I am as ready to confeſs, as any man in the world is to object, my wants and inabilities; which indeed to men of ſober diſcourſe, may render me unfit to be entertained in the Council, but not unqualified to be impanelled of the Jury: For I began early to take in *Characters*, Speeches and Paſſages at Conferences in Parliament, and from the Kings own mouth, when he ſpake to both the Houſes, and have been upon the Stage continually, and an Eye and Ear-witneſs of the greateſt Tranſactions; imployed as an Agent in, and intruſted with Affairs of weightieſt concernment; Privy alſo both to the Debates in Parliament, and to the moſt ſecret Reſults of Councils of War, in times of Action. Which I mention without oſtentation; only to qualifie me to report to Poſterity, what will rather be their wonder at firſt, then their belief: It is pity they ſhould altogether be deprived of the Advantages which they may reap from our Miſfortunes. Hereafter they will hear, that every man almoſt in this Generation durſt fight for what either was, or pretended to be Truth: They ſhould alſo know that ſome durſt write the Truth; whilſt other mens Fancies were more buſie then their hands, forging Relations, building and battering Caſtles in the Air; publiſhing Speeches as ſpoken in Parliament, which were never ſpoken there; printing Declarations, which were never paſſed; relating Battels which were never fought, and Victories which were never obtained; diſperſing Letters, which were never writ by the Authors; together

with many ſuch Contrivances, to abet a Party or Intereſt. *Pudet hæc opprobria.* Such practices, and the experience I had thereof, and the impoſsibility for any man in After-ages to ground a true Hiſtory, by relying on the printed Pamphlets in our days, which paſſed the Preſs whilſt it was without control, obliged me to all the pains and charge I have been at for many years together, to make a Great *Collection*; and whilſt things were freſh in memory, to ſeparate Truth from Falſhood, things real from things fictitious or imaginary. Whereof I ſhall not at all repent, if I may but prove an ordinary Inſtrument to undeceive thoſe that come after us.

If you demand why my *Collections* commence ſo early, and ſtart at ſuch a diſtance of time ſo remote, I muſt anſwer, That it was at firſt in my purpoſe to begin with the Parliament which met *Nov.* 3. 1640. But after I had peruſed, ordered, and compared my Printed and Manuſcript-Relations of the First Year of that Parliament, I found they pointed at, and were bottomed upon ſome Actions of the late King, in diſſolving four preceding Parliaments: And thereupon, the zeal I had to clear the truth of the Differences between the King and Parliament, forced me to a longer Adventure; eſpecially ſeeing the Eſſay had been very imperfect, and but a meer fragment, if I had only writ the Death, and not the Life of a Prince, who, in the firſt Speech that ever he made in his firſt Parliament, did reflect upon ſome paſſages in a former Parliament, that adviſed his Father to break off the two Treaties with *Spain*, touching a Marriage, and Reſtitution of the *Palatinate*; and ſo engaged the Father in a War, which

the Son was by him left to prosecute. And this Consideration put me upon a further enquiry concerning the aforesaid Treaties, the causes and grounds of the War in the *Palatinate*, and how far the same concerned *England*, and the oppressed Protestants in *Germany*: And finding those proceedings to have their rise in the Year 1618. (in which Year the *Blazing-Star* appeared) I resolved that very Instant should be the *Ne plus ultra* of my Retrospect.

I allow and accept it as a good *Memento*, which I meet with in a late Author; *That most Writers now adays appear in Publique, not crook-backed,* (as it is reported of the *Jews*) *but crook-sided, warped, and bowed to the right, or to the left.* For I have heartily studied to declare my self unbiassed, and to give an instance, That it is possible for an Ingenuous man to be of a *Party*, and yet not *partial*. If any one engaged on the *King's* side, come forth in Print with the like moderation, fairness and indifferencie, without heat and personal reflections, our Posterity may be confident of a full discovery of Truth, which is every honest mans desire and expectation. And besides, the Vertues and Reasons of men concerned, may shine and give satisfaction even to those who are not of the same Judgment.

I pretend onely in this Work to a bare Narrative of matter of Fact, digested in order of time; not interposing my own Opinion, or interpretation of Actions. I infuse neither vinegar nor gall into my Ink: If I mention a Charge or Impeachment, it relates also to the Defence that was made by the Accused. And though in these later times, Titles

Names and Dignities are altered, yet I uſe the Language of that Time of which I write, ſpeaking as the then Parliaments ſpake, and not robbing any man of the Honor or Epithite which they then pleaſed to give him. If I ſpeak of any tranſactions which I my ſelf did not ſee or hear, I do ſo with all the caution imaginable, having firſt conſulted Records, conferred with Perſons of unqueſtionable eſteem, intereſſed in the very actions, or peruſed their known hand-writings of thoſe times; and where I make mention of any Letters or Paſſages ſcattered in print, I firſt well weighed the ſame, and out of whoſe Cloſets they came; and found many of them concredited before I inſerted them.

And laſtly, where I doubted, I perfected my Intelligence by Forein correſpondencies, fetching my ſatisfaction in divers particulars, out of *Germany*, *Spain*, and *Italy*.

Here you will have an intermixture of Secrets of State uſeful for States-men, and of matters of Law, which may be of ſome uſe, not only to the Profeſſors of it, but to every Engliſhman; for though few profeſs the Law, yet all live by it; for it hedges in, and upholds the Rights, Liberties, and Properties: The matters of Law are not all bound up in one bundle, but you will finde them diſperſed in interlocutory Speeches and Diſcourſes; ſome of them in Hiſtorical Narrations; and laſtly, in Polemical Debates and Arguments, taken by a Gentleman, then a young Student of the Law, which you will finde in an Appendix placed at the end of the Book; and I hope the Reader will not think his minutes ill beſtowed in reading of them though out of place.

A great part of the Work is filled up with remarkable Tranſactions in Parliament, and the Courſe and Proceedings thereof, wherein you will finde, not onely great wit and wiſdom, but choice Eloquence, and excellent Orators, *Diggs*, *Wentworth*, *Phillips*, *Elliot*, *Glanvile*, and others not much inferior to the Roman *Demagogue*. I durſt not preſume to contract them to an Epitomie or Abridgement, leſt by eſſaying that, I might treſpaſs too much upon the Soil of other mens Inventions and Judgements, or prejudice Truth, or the Perſons, whoſe natural Off-ſprings they are. Here you have Debates, Siftings, and Conſultations of each Houſe apart; and alſo by Conferences each with other (*Alterius ſic Altera poſcit opem Domus & conſultat amicè*) and Reſolutions of Parliaments, and ſome Laws which were the ultimate productions of theſe Councels and Debates.

I have but a word to ſay to my good and worthy Friends of the Army, and it muſt be by way of Apology, that this Treatiſe contains not what may be expected by them from me, the Relation of the Motions, Actions, and Atchievements of the Army, which I acknowledge was the firſt thing in my thoughts and intentions: But upon further conſideration I thought it neceſſary to look ſomewhat backwards, that we may the better underſtand the Cauſes and Grounds which brought the late War upon us, before we ſet forth the Actions of the War. In the former we may ſee the vigilancy and care of our Anceſtors to ſecure and uphold our Liberties and Properties, and to tranſmit the ſame, in as much purity as might be, to their Poſterity, in the latter, which are the Actions of the

the War, you ſhall ſee their Courage and Magnanimity, ſetting a higher value upon the Rights and Liberties of the Nation, then upon their own Lives.

Whom therefore, when I come in order of time to mention, and ſhall alſo have occaſion to magnifie for their perſeverance in maintaining and defending thoſe Laws and Liberties (ſo redeemed with the price of their blood) againſt Arbitrary wayes and courſes; how joyfull ſhall I be to employ my Pen to Chronicle ſuch of their Names to Poſterity, who juſtly merit that Character, as worthy of *Double Honor*.

In the ſecond Part of my Collections (which is to follow, according to the entertainment which this findes abroad) I ſhall write with the more confidence, becauſe I did perſonally attend and obſerve all Occurrences of moment during the Eleven years Interval of Parliament, in the *Star-Chamber*, *Court of Honor*, and *Exchequer-Chamber*, when all the Judges of *England* met there upon extraordinary Caſes; at the Council Table, when great Cauſes were heard before the King and Council: And when matters were agitated at a greater diſtance, I was there alſo, and went on purpoſe out of a curioſity to ſee and obſerve the paſſages at the Camp at *Berwick*, at the Fight at *Newborn*, at the Treaty at *Rippon*, at the great Council at *York*, and at the meeting of the Long Parliament. The Obſervations I made during all the ſaid time, ſhall be further known, if I be encouraged to proceed, and that this my *Forlorn* be not repelled and defeated.

Thus have I (good *Reader*) acquainted thee in plain Engliſh, with the Lines and rude Draughts of what hath been, and what is like to be, *multorum annorum*

annorum opus; in which, as I never did approve, so neither could I perswade my self to tread in their Steps, who intermingle their Passion with their stories, and are not content to write of, unless they write also for a Party, or to serve an Interest; and so declare themselves far better *Advocates* then *Historians*. I profess, that in singleness of heart, I aim at *truth*, which to me has alwayes seemed hugely amiable, even without the tires and advantages of Wit and Eloquence: And therefore, in order to my greatest purpose, I have esteemed the most unaffected and familiar Stile the best; *Altum alii teneant.*) And so irresistible is the force of Truth, and the Divine Providence so great, that howsoever all possible diligence may have been used to carry things in secret, and to act by colourable Pretences (men often acting like Tumblers that are squint-eyed, looking one way, and aiming another) Yet hath God in these our dayes brought to light such Secrets of State, such private Consultations, such strange Contrivances (discovered by Letters, Papers, and Cabinet-memorials seised on in time of the War) as otherwise probably, neither we nor our Posterity should have ever known. I conclude with the learned Spaniards opinion: *Satis est Historia, si sit vera; quæ non reliqua habeat omnia, si veritatem non habet, obtinere nomen suum non potest.*

J. RUSHWORTH.

Τὸ Συμπαγμα περὶ τὸν Τυχόνα.

Βρεταννῶν τὰ δίκαια λέγω, Πανδέκτε, βουλὰς,
πρᾶξεις, ἐν πάσης πρᾶξεως ὕλαε λόγον.
Ὀμμασιν εἴς με βλέπων χαλεποῖς, ἀέκοντί τε θυμῷ,
κύντερε μὲν πολλοῖς, σοὶ δὲ μὴ ἐ φθονέοι.

(h. e.)

Anglorum leges, Suadam, conſulta Senatus,
auſáque, cuncta loquor, tempore quæque ſuo.
Excipis adverſo ſi pectore, & ore maligno,
pluribus invideas Zoile, nemo tibi.

The Printer to the Reader.

BEing obliged to get this Book finished against the ensuing Term, I was constrained to make more haste then ordinary; so that possibly some Faults have escap'd, which I request the Courteous Reader to Pardon and Amend as they shall be met with.

VALE.


REX FIDEI DEFENSOR
POTENTISS. IACOBVS
MAGNÆ BRITAN
GALLIÆ ET HIBER

16 Jacobi.

Historical Collections.



THe grand buſineſs of State in the latter times of King *James*, was the Spaniſh Match, which had the Kings heart in it, over-ruled all his Counſels, and had a mighty influence upon the Univerſal State of *Chriſtendom*: This King affecting the name of a King of Peace, and Peace-maker, as his chief glory, had deſigned, what in him lay, the ſetling of a general Peace in *Europe*, and the reconciling of all Parties; and profeſſed, that if the Papiſts would leave their *King-killing*, and ſome other groſſer Errors, he was willing to meet them half way; moreover, he was ever zealous for the honor and height of regal Majeſty, and to maintain the glory of it in his Succeſſors; 'twas his chief deſire and care to match his Son with ſome Princeſs of moſt high deſcent, though of a different Religion.

King *James* much deſired to match his Son *Henry* with a daughter of *Spain*.

There had been a Treaty of Marriage between the late Prince *Henry* and a Daughter of *Spain*, which on the Spaniards part was found a meer Complement, carried on by the accuſtomed gravity and formality of that Nation. For *Cecil* Earl of *Salisbury*, the great States-man of that time, purſued and drove the matter to that point, that the Duke of *Lerma*, finding no evaſion, diſclaimed the being of a Marriage Treaty. Nevertheleſs the Spaniſh Ambaſſador, to acquit himſelf to this State, and to clear his own honeſty, at a full Council produced his Commiſſion, together with his Letters of Inſtruction given under the Duke's hand: Such manner of dealing might have been ſufficient Cauſe of juſt Indignation againſt any future motion of this Alliance.

After Prince *Henry*'s death the King propounded a match with *France*.

After death of Prince *Henry*, the King ſet his thoughts upon a Daughter of *Henry* the Fourth, late King of *France*, as the fitteſt Match for Prince *Charles*, and by Sir *Thomas Edmonds* his Legier Ambaſſador, endeavored to know the minde of that State, but could not diſcern their affections, and was not willing to diſcover his own: At length taking occaſion to ſend the Lord *Hayes* Extraordinary Ambaſſador to the French King, to Congratulate his Marriage with *Anne* the Infanta of *Spain*, he reſolved to make a thorow Trial: The matter was put forth, and in appearance well taken, but proved of no effect. For the Duke of *Savoy* was before-hand, and prevailed for his Son the Prince of *Piedmont*.

In this interim the Spaniard gives the overture of a match.

During this Negotiation of Alliance with *France*, the *Duke* of *Lerma* frequently intimated unto Sir *John Digby* Ambaſſador, Reſident in *Spain*, an extraordinary deſire in the King his Maſter, not onely to maintain Peace and Amity with the King of great *Britain*, but to lay hold on all means that might be offered for the nearer uniting of their Majeſties, and

An. 1618. their Crowns; as also a disposition in this regard, to match his second Daughter to the Prince of *Wales*: The Ambassador replyed, that His Majesty had little reason to give ear to this overture, having not long since, in the Treaty for the late Prince, received such an unexpected Answer, and Demands so improper and unworthy; and that there needed more then ordinary assurance, to induce him to believe that there was now so great a change, and the match desired in good earnest, and not propounded meerly to divert the match with *France*: wherefore he expected the proposal of such terms of advantage and certainty, as might gain a belief of their sincere Intentions: *Lerma* promised a further Conference. But by reason of a strong report that the Match with *France* was absolutely concluded, and within few dayes to be published, the business lay asleep, until Sir *John Digby*, going for *England*, was desired by the Duke to give him notice of the state of this Affair: From hence *Digby* gives him to understand, that there was no cause of dispair concerning this new overture, unless the difficulty of the Conditions should make it desperate; but if the Demands in point of Religion were no more then what would satisfie another Catholick Prince, and to which his Majesty might yeild with Honor, he knows that divers persons, not of the meanest power, were well inclined, and ready to give their helping hand: He said further, that it were much better not to revive this motion, then by impossible and unfitting Propositions from either side, to give distaste, and lessen the Friendship between the two Crowns. The Duke returned answer, that all assurance and satisfaction shall be given concerning this Alliance: And after Sir *John Digby*'s arrival at the Court of *Spain*, he protested to him solemnly, that the King desired it, and swore for himself, that he desired nothing more: Hereupon *Digby* debated with him, That the remembrance of their former Demands was yet unpleasing in *England*; the difference of Religion, the Opinions of Divines, and the Cases of Conscience were still the same; insomuch, that his Majesty and his Servants had just cause to cease for ever from all thoughts this way. Nevertheless, they did not slight nor disrelish an Alliance with *Spain*; for many of the greatest eminency in *England* judge it equally valuable with any other of *Christendom*, though it be esteemed a matter of infinite difficulty. Here the subtil Spaniard might perceive our forwardness, though our Ambassador seemed to speak aloof off, and with reservation. The debate had this result, that the difficulties should be digested into certain Heads, and select Persons appointed for Conference; but the Intent thereof was, that the Kings on either side should not be interessed, nor their names therein used, till by the clearing of particulars, there should be great appearances that the business would take effect: Now because the difference of Religion, was supposed the onely difficulty of moment, it was thought fit to break the matter to the Cardinal of *Toledo*, and the Kings Confessor, and one Father *Frederick* a learned Jesuite, having the repute of a Moderate man.

Sir *John Digby*'s advice to the King in that matter.

Upon the review of these proceedings, Sir *John Digby* advised the King not to suffer his other resolutions to be interrupted by this Overture, which might be set on foot as a meer device to stagger the French Treaty, and to keep his Majesty from declaring himself opposite to *Spain* in the business of *Cleves* and *Juliers*, which still remained uncompounded; nevertheless, he might be pleased for a while to suspend the conclusion of the Match with *France*, and entertain this motion; and to this

16 *Jacobi.*

this end he desired from him not a formal Commission to treat, but onely a private Instruction for his Direction and Warrant.

Gondomar mannages the Treaty on the Spaniards part.

Such remote Conferences made way for that solemn slow-paced Treaty of the many years following, wherein the advantage lay on the Spaniards side, who were indeed very formal and specious in it, but no way vehement and vigorous, if we might suppose them in any sort real: But the King of *England* having a prevalent inclination this way, when
A he was once drawn in and elevated with hope, was so set upon it, that he would grant all things possible, rather then break it off, and was impatient of dissembling his own eagerness: The business was mainly carried on by *Conde Gondomar*, who was exquisitely framed for it, and by facetious wayes, taking the King in his own humor, prevailed mightily.

The King removes all blocks that lie in the way of this Darling Design, and studies all the wayes of rendring himself acceptable to
B *Spain*.

The English Navie neglected.

The Wall of this Island the English Navy, once the strongest of all Christendome, now lyes at road unarmed, and fit for ruine: *Gondomar* [as was the common voice] bearing the King in hand, that the furnishing of it would breed suspition in the King his Master, and avert his minde from this alliance: Moreover the Town of *Flushing*, the Castle of *Ramakins* in *Zealand*, and *Brill* in *Holland*, which were held by way of caution from the united Provinces, to insure their dependency upon *Eng-*
C *land*, the King resolved to render up, as being meerly cautionary, and none of his Propriety: He rid his hands of those places to prevent requests and Propositions from the King of *Spain*, who claimed the propriety in them, and *Gondomar* put hard for them, being accounted the Keys of the Low Countries: Such was the Kings care and contrivance to keep faith with those Confederates, and not offend *Spain*: And to render this a politick action, it was urged that the advantage of those Holds was countervailed by the vast expence in keeping them. How-
D beit the power of the English Interest in that State was by this means cut off, and taken away; and the alienation between King *James* and the United Provinces, which appeared in latter times, and was nourished by *Bernevelt* the head of the *Arminian* Faction, and a Pensioner of *Spain*, is now increased by the discovery and observation of these late Spanish compliances.

The Cautionary Towns rendred to the Hollander.

The Spaniard proceeds not sincerely in the Treaty.

But the King of *Spain* and his Ministers had given but slender proof of any great affection, yea or of sincere intention and upright deal-
E ing in this great affair. For Sir *John Digby* received certain Articles in matter of Religion after a Consultation had with their Divines, which appeared very unworthy, and were utterly rejected by him: Yet afterwards upon a private Conference between him, and some others to whom the cause had been committed, a Qualification was therein conceived, though not delivered as a matter there approved. And the same Speeches after his return into *England*, proceeded between him and *Gondomar*, and were brought to that Issue, that the King thought
F fit to acquaint a select number of his Council therewith, who having heard the report of the former proceeding, delivered their opinion, That they found very probable ground for him to enter into a publike Treaty, with as much assurance of good success as in such a case might be expected; whereupon Sir *John Digby* by Commission under the Great Seal, was authorized to treat and conclude the Marriage; and because

An. 1618.

the matter of Religion was in chief debate, those qualified Articles that were brought out of *Spain* were sent back signed with the Kings hand, who added something to them by way of clearer explanation: They were to this effect:

Articles of Religion agreed upon between the Kings of *England* and *Spain*.

THat the Popes Dispensation be first obtained by the meer Act of the King of Spain.

That the Children of this Marriage be not constrained in matter of Religion, nor their Title prejudiced in case they prove Catholikes.

That the Infanta's *Family being Strangers may be Catholikes, and shall have a decent place appointed for all Divine Service according to the use of the Church of* Rome; *and the Ecclesiasticks and Religious persons may wear their proper Habits.*

That the Marriage shall be celebrated in Spain *by a Procurator according to the Instructions of the Council of* Trent; *and after the* Infanta's *arrival in* England, *such a solemnization shall be used, as may make the Marriage valid, according to the Laws of this Kingdome.*

That she shall have a competent number of Chaplains, and a Confessor, being Strangers, one whereof shall have power to govern the Family in Religious matters.

In the allowing of these Articles, the King thus expresst himself: "Seeing this Marriage is to be with a Lady of a different Religion from "us, it becometh us to be tender, as on the one part to give "them all satisfaction convenient; so on the other to admit nothing "that may blemish our Conscience, or detract from the Religion here "established.

The people of *England* averse from the match: The Catholicks desirous of it.

The People of *England* having yet in memory the intended Cruelty of 88. and hating the Popish Religion, generally loathed this Match, and would have bought it off at the deerest rate, and what they durst, opposed it by speeches, counsels, wishes, prayers; but if any one spake lowder then his fellows, he was soon put to silence, disgrac'd, and cross'd in Court-preferments; when as in *Spain* and *Flanders*, Books were penned, and Pictures printed to disgrace the King and State: For which the English Ambassadors sought satisfaction, but in vain: The Roman Catholicks desired the Match above measure, hoping for a moderation of Fines and Laws, perhaps a Toleration, yea, a total Restauration of their Religion; for they gained more and more Indulgence by the long-spun Treaty: The Articles of Religion were long hammered upon the Spanish Anvil, inlarged and multiplied by new Demands without end.

Gondomar contrives the death of Sir *Walter Rawleigh* an enemy to *Spain*.

The *Conde Gondomar*, an active subtil Instrument to serve his Masters ends, neglected no occasion tending thereunto, which he mainly shewed in the particular of Sir *Walter Rawleigh*, wherein he put forth all his Strength to destroy him, being one of the last Sea-Commanders then living, bred under Queen *Elizabeth*, and by her flesh'd in Spanish blood and ruin. He did first under-work his Voyage to *Guienna*, which seemed to threaten loss and danger to the spreading power of *Spain* in the *West-Indies*, and after his return with misfortune, he pursued him to death. In the beginning of the Kings Reign, this Gentleman, with others, was arraigned and condemned for Treason; 'twas a dark kinde of Treason, and the vail is still upon it. The King had ground enough to shew mercy, which some of that condemned party obtained. After many years

16 *Jacobi.*

years imprisonment, Sir *Walter Rawleigh*, desirous of liberty and action, propounded an *American* voyage upon the assurance of gaining a Mine of Gold in *Guienna*. The King hearkned to him, and gave him power to set forth Ships and Men for that Service, but commanded him upon his Allegiance, to give under his hand, the number of his Men, the burden and strength of his Ships, together with the Country and River which he was to enter. All this was done, and came so timely to *Gondomars* A knowledge, that Advertisement was sent to *Spain*, and thence to the *Indies*, before this *English Fleet* departed out of the *Thames*. The Action proved unfortunate, and the Mine was inaccessible; the *Spaniards* at St. *Thomas* opposed their passage up the River, and this engaged them to assault the Town, which they took, sacked and burnt. *Gondomar* hereat incensed, with a violent importunity demanded the reparation of this wrong: And the *Spanish Faction* urged, that this irruption might make a breach both of the Match and Peace with *Spain*. The Kings fears B kindled his wrath; he disavowed the Action, and to prevent the like for the future, put forth a severe Proclamation. Hereupon the storm of Passion ceased, and *Rawleigh* knowing nothing but that he might appear in *England* with safety, put in at *Plimouth*, and was no sooner landed, but by secret intimation, understanding his danger, sought to escape beyond Sea, but was taken in the attempt, brought to *London*, and recommitted to the *Tower*; and at length his life was offered up a *Sacrifice* for *Spain*, but not upon such grounds as the Ambassador had designed; for he de- C sired a Judgment upon the pretended breach of Peace, that by this occasion he might slily gain from the *English* an acknowledgment of his Masters right in those places, and hereafter both stop their mouths, and quench their heat and valor. But the late voyage was not brought in question, onely his former Condemnation was revived; his Araignment at *Winchester* many years before was now laid open, and he at the *Kings Bench* demanded, why Execution should not be done upon him according to the Sentence therein pronounced. *Rawleigh* answered, "That the D "Kings late Commission gave him a new life and vigor: For he that "hath power over the lives of others, ought to be Master of his own. This Plea was not accepted, but the former Judgment took place, and accordingly he lost his *Head* upon a Scaffold erected in the *Old Pallace* at *Westminster*.

A War begins in *Germany*.

Whilest *Spain* and *England* were thus closing, the fire brake out in *Germany* between the States and Princes *Protestant*, and the House of *Austria*: These commotions involved and drew along the affairs of most E Christian Princes, especially of the two *Potent Kings* now in Treaty. The Catholick Cause, and the Lot of the House of *Austria*, engaged the King of *Spain* who was the strongest Branch of that Stock. King *James* must needs be drawn in, both by common and particular Interest; the *Religion* which he professed, and the *State* of his Son in Law the Elector *Palatine*, who became the principal part in those Wars, and the most unfortunate. It was an high business to the whole Christian World, and the issue of it had main dependence upon the King of *England*, being F the *Mightiest Prince* of the Protestant Profession: But this Kings proceedings were wholly governed by the unhappy *Spanish* Treaty.

Both parties, Protestant and Catholicks, grow jealous, and each enter into League.

The clouds gather thick in the *German* skie; jealousies and discontents arise between the *Catholicks*, and the *Evangelicks*, or *Lutherans* of the Confession of *Ausburge*. Both parties draw into Confederacies, and hold Assemblies; the one seeking by the advantage of power to incroach and

An. 1618.

The Emperor *Matthias* Adopts his Cousin-German *Ferdinand.*

and get ground, the other to ſtand their ground, and hold their own. The potency of the Houſe of *Auſtria,* a Houſe devoted to the Perſecution of the Reformed Religion, became formidable. The old Emperor *Matthias* declared his Couſin German the Archduke *Ferdinand* to be his adopted Son and Succeſſor, and cauſed him to be choſen and crowned King of *Bohemia* and *Hungary,* yet reſerving to himſelf the ſole exerciſe of Kingly power during his life.

For joy of this Adoption, the Catholicks keep a Jubilee and the Proteſtants another in memory of *Luther.*

The *Jeſuits* triumph in their hopes of King *Ferdinand*; the *Pope* exhorted the Catholicks to keep a day of Jubilee, and to implore aid of God for the Churches high occaſions. To anſwer this Feſtival, the Elector of *Saxony* called to minde, that it was then the Hundreth year compleat ſince *Martin Luther* oppoſed the Popes Indulgences, which was the firſt beginning of Proteſtant Reformation. Whereupon he ordained a *Solemn Feaſt* of three days for Thankſgiving, and for Prayer to God, to maintain in peace the purity of the Word, and the right adminiſtration of the Sacraments. The Profeſſors of the Univerſities of *Lipſick* and *Wittemberg,* the Imperial Towns of *Franckford, Worms,* and *Noremburg,* yea, the *Calviniſts* alſo obſerved the ſame days of Jubilee againſt the *Romiſh* Church; and much Gold and Silver was caſt abroad in memory of *Luther,* whom they called *Bleſſed.*

In theſe times the Emperor wrote Letters, both to the Elector *Palatine,* and to the Proteſtant Provinces, and States of the Empire then aſſembled at *Hilbrun,* adviſing them to acquieſce in what was done touching the deſignation of his adopted Son to the Empire, to obſerve the *Golden Bull,* (the *Magna Charta* of the Empire) and the matter of it concerning the Electoral Bonds, and to diſſolve their League. The Proteſtants in their Anſwer acknowledged the good will of the Emperor their *Cheif,* and ſhewed that the Catholicks had oppreſſed them contrary to the Pacification; and having ſought Redreſs in vain, they were compelled to uſe means of preſerving Publick Tranquillity according to the Laws. That their *League* and *Union* conſiſting onely of Proteſtant *Germans,* was a known practice in the Empire, and not againſt the *Golden Bull,* and tended not to a ſeparation from his Imperial Majeſtie; but the Catholicks made their League with ſtrangers, and declared a ſtranger cheif over them.

An Aſſembly of the Proteſtants and States of *Bohemia* at *Prague.*

The Count of *Thurne,* and other Defenders Evangelick, with the Eſtates of *Bohemia,* aſſembled at *Prague* to adviſe of publick ſafety, and conſervation of priviledges. The Emperor required his Council held at the Caſtle of *Prague,* to oppoſe and hinder this Aſſembly, which he ſaid was called to raiſe Sedition, and to plot againſt his perſon and Government. Nevertheleſs in all their publick worſhip the *Evangelicks* prayed to God to confound the Emperors enemies, and to grant him long to live and reign over them in Peace and Juſtice.

The firſt occaſion of the troubles of *Bohemia.*

The *Bohemian* troubles took their firſt riſe from the breach of the Edict of Peace concerning Religion, and the Accord made by the Emperor *Rodolph,* whereby the Proteſtants retained the free exerciſe of their Religion, enjoyed their Temples, Colledges, Tithes, Patronages, places of Burial, and the like, and had liberty to build new Temples, and power to chuſe Defenders to ſecure thoſe Rights, and to regulate what ſhould be of ſervice in their Churches. Now the ſtop of building certain Churches on Lands within the Lordſhips of the Catholick Clergy, (in which places the Evangelicks conceived a Right to build) was the ſpecial grievance and cauſe of Breach.

On

16 *Jacobi.*

On the Twenty third of *May*, the cheif of the Evangelicks went armed into the Caſtle of *Prague*, entred the Council Chamber, and opened their Grievances, but inraged by oppoſition, threw *Slabata* the Cheif Juſtice, and *Smeſanſius* one of the Council, and *Fabritius* the Secretary, from an high Window into the Caſtle Ditch; others of the Council temporiſing in this Tumult, and ſeeming to accord with their demands, were peaceably conducted to their own houſes. Hereupon the Aſſembly took advice to ſettle the Towns and Caſtle of *Prague* with new Guards; likewiſe to appeaſe the people, and to take an Oath of Fidelity. They choſe *Directors*, Governors and Counſellors Provincial to govern affairs of State, and to conſult of raiſing forces againſt the enemies of God, and the King, and the Edicts of his Imperial Majeſty. They baniſhed the *Jeſuits* throughout all *Bohemia*: Moreover to defend their own cauſe, and to give an accompt of their late proceedings, and preſent poſture, a *Declaration* was drawn up and ſent with Letters to the Eſtates of *Moravia*, *Sileſia*, and *Luſatia*, and to all the Princes and States, their Allies, throughout the Empire, with requeſt of aid in caſe of need. They declare to this effect.

A Ryot committed by the Proteſtants in the Caſtle of *Prague*.

The Proteſtants put forth a Declaration.

That they had endured infinite Injuries and Afflictions, by certain Officers, Eccleſiaſtick and Civil, and by the Jeſuits above all others, who ſought to bring them under the yoke of Popery, reviled them with the names of Hereticks, heaved them out of places of Dignity, provoked the Magiſtrates to purſue them with fire and Sword: That their Miniſters were baniſhed, and their Charges given to Roman Catholicks. The Senators of Prague, who were Evangelicks, were evil-intreated, and divers perſons perſecuted for Religion, under pretence of Civil Offences. And whereas in caſe of difference touching the Agreement and Edict of Peace, the Eſtates of both parties were to hear and judge; their Enemies procured Commands from the Emperor to bear them down before a due hearing: Their lawful Meetings to adviſe and ſeek redreſs, were declared to be manifeſt Sedition and Rebellion, and themſelves threatned with loſs of eſtates and lives.

The Emperor diſguſted with the Declaration.

This *Declaration* they ſent likewiſe to the Emperor, with a ſubmiſſive Letter, aſſerting their own Fidelity, and praying for the removal of thoſe evil Counſellors that threaten ſo much danger to his Majeſty, and his Kingdoms. The Emperor herewith was no way pacified, but charged them with an evil deſign, required them to lay down Arms, and to make no more Levies, but to live in peace as becometh faithful Subjects: Upon which terms, he promiſed to diſband his own Soldiers, to forgive what was paſt, and to protect all that will obey him.

He publiſhes a *Manifeſto*.

This prevailed nothing, but the breach grows wider. The Emperor publiſhed a *Manifeſto* in Anſwer to the Apology of the *Bohemian* States, and wrote Letters to the Electors, Princes, and States of the Empire, with high Aggravations of the violence offered at *Prague* to his principal Officers, againſt Divine and Humane Rights, the Conſtitutions of the Kingdom, and the Cuſtoms of all Nations, without *hearing*, without *ſummoning*, without any form of *Proces*, yea, without giving a moment of time to Repent, or make Confeſſion, or receive the Sacrament, which is never denied to the worſt offenders.

Forth-

An. 1618.

Both Parties Arm.

Forthwith a pernicious War, and all confuſion breaks out. The Emperor raiſed forces under the conduct of divers Commanders, of whom the cheif were Count *de Buquoy*, and Count *de Ampiere*. The Evangelicks raiſed two Armies under Count *de Thurne*, and Count *Mansfelt*. *Moravia*, *Sileſia*, and *Luſatia*, with all the Eſtates Proteſtant, *Germans* and Neighbors of *Bohemia*, (very few excepted) aſſiſt the Evangelicks with Counſel, Men, and Money: Likewiſe the Prince of *Orange*, and the States of the *United Provinces* promiſed to aid them with their forces. The Electors and Princes Proteſtant favoring the *Bohemians*, whoſe Countrey the Imperialiſts deſtroy with Fire and Sword, perſwade the Emperor to ſtop the rage of Civil War; the ſucceſs whereof is doubtful, and the end ever miſerable. The Emperor propounded an Arbitration of theſe differences by the Elector of *Mentz*, and the Duke of *Bavaria*, Princes Catholicks, and by the Electors *Palatine*, and of *Saxony*, Princes Proteſtants, and *Pilſen* ſhould be the place of Treaty: The Evangelicks conſent to the Arbitration, but diſlike the place, where the people were wholly Catholicks, and followed the Emperors party; beſides the *Directors* had deſigned the beſieging of it. New Actions of War made the overtures of peace more difficult: Several Armies were now raiſing throughout *Bohemia*, and the Neighboring Provinces: As yet the Elector of *Saxony* ſtood Neutral; the Duke of *Bavaria* caſt in his lot with the Emperor, whoſe eſtate was then every where imbroiled.

A Comet appears at this time.

At this time there appeared a Comet which gave occaſion of much diſcourſe to all ſorts of men; among others a Learned *Knight*, our Countreyman confidently and boldly affirmed, [*That ſuch perſons were but abuſers, and did but flatter greatneſs, who gave their verdict, that that* Comet *was effectual, as ſome would have it, or ſignal, as others judge it, onely to* Africa; *whereby they laid it far enough from* England: *When this Knight out of the conſideration of the ſpace of the* Zodiack *which this* Comet *meaſured, the inclination of his Sword and Blade, and to what place both the head and tail became Vertical, together with other ſecrets.*] Said, *That not onely all* Europe, *to the elevation of Fifty two degrees, was liable to its threatnings, but* England *eſpecially*; *yea*, That perſon *beſides, in whoſe fortune we are all no leſs imbarked, then the Paſſenger with the Ship is in the Pilot that guideth the ſame*; *the truth whereof, ſaid he, a few years will manifeſt to all men.*

And it was obſerved by Dr. *Bainbridge*, a famous Aſtronomer, that toward the Declination of it, the Eleventh of *December* it paſt over *London* in the morning, and ſo haſted more Northwards, even as far as the *Orcades*.

King *James* ingages not in theſe troubles, flattering himſelf with the *Spaniards* ſeeming forwardneſs to effect the Match.

Amidſt theſe diſtractions, the Houſe of *Auſtria* made no ſmall improvement of their intereſt in the King of Great *Brittain*, who in the hot purſuit of the *Spaniſh* Match, was earneſt to oblige them. And the *Spaniards* made ſhew, that on their part nothing under Heaven was more deſired then this Alliance; and in their Diſcourſes magnified the King, Queen, and Prince of *England*. For the ſtate of their Affairs did preſs them hard, if not to cloſe really, yet at leaſt to fain a preſſing towards it. For the *French* adminiſtred cauſe of diſcontent; the Truce with the *United Provinces* was near expiring; but above all they took to heart the *Bohemian* War, and reſolved to ſet the main ſtock upon it: Wherefore the King of *Spain* gave commandment, that his Treaſure ſhould be gathered together for the *Infanta*'s vaſt portion, being no leſs then *Two Millions*, and gave hopes of the payment of half a *Million* beforehand,

as

16 *Jacobi.*

as was desired, and with himself all Dispatches seemed to pass freely. But his Ministers gave not the same satisfaction, and proceeded so slackly in the business, that they were suspected either not to intend it at all, or not so soon as was pretended: Besides, the wiser here observed and repined, that all difficulties, hazards, and odious passages, must rest on the *English* side, which *Spain* did little value. That King *James* did that to gratifie the *Spaniard*, which rendred him disgusted by his Subjects; but
A if Favor were granted to any Subject of his by the King of *Spain*, it was not without design to engage him in his own Service. Which resentments may be collected from a Letter written by a great Minister of State, to Mr. *Cottington*, his Majesties then Agent in *Spain*; which for clearer satisfaction you have here at large.

A Letter from a great Minister of State to Mr. *Cottington*.

Good Mr. Cottington, *I doubt not but that before these come to your hands,*
you will have heard of the Receipt of all your former Letters: These are
B *in answer of your last of the Eighth of* October, *wherein you advertise of the*
arrival of the Conde Gondomar, *at* Lerma, *and of his entertainment by that*
Duke. It seemeth unto us here in England, *that he hath gone but very slowly*
in his journey; and divers (seeing how long time he hath spent in the way) do
make conjecture, That it proceedeth from the small affection that he judgeth to
be there, towards the effecting of the main business; saying, If the Ambassa-
dor were assured that his Master did so really desire the speedy effecting thereof,
as is pretended, he would have made more haste homeward; and that it hath
C *not been sincerely intended, but meerly used by that State as an amuzement to*
entertain and busie his Majesty withal, and for the gaining of time for their
own ends: And this is muttered here by very many, but I hope we shall ere
long receive such an account from thence of their proceedings, as will give
sufficient satisfaction. For my own part, I must confess I am yet well perswaded
of their intentions; for if there be either Honor, Religion, *or* Moral honesty
in them, the Protestations and Professions which I have so often heard them
make, and you likewise daily advertise hither, are sufficient to perswade a man
D *that will not judge them worse then* Infidels, *to expect sincere dealing in the*
business; and whensoever I shall perceive that they go about to do otherwise, I
must confess my self to have been deceived, as I shall ever be on the like terms;
while I deal with inmost care; but withal, I shall judge them the most unwor-
thy and perfidious people of the World, and the more, for that his Majesty hath
given them so many testimonies of his sincere intentions toward them, which
he daily continueth, as now of late, by the causing Sir *Walter Rawleigh* to be
put to death, cheifly for the giving them satisfaction; *whereof his Majesty*
E *commanded me to advertise you, and concerning whom, you shall by the next re-*
ceive a Declaration, *shewing the Motives which induced his Majesty to recal*
his mercy, through which he had lived these many years a condemned man. In
the mean time, I think it fit, that to the Duke of Lerma, *the Confessor, and*
the Secretary of State, you do represent his Majesties real manner of proceed-
ing with that King and State; and how for the advancing of the great business,
he hath endeavored to satisfie them in all things, letting them see how in many
actions of late of that nature, his Majesty hath strained upon the affections of
F *his people, and especially in this last concerning Sir* Walter Rawleigh, *who*
died with a great deal of courage *and* constancy; *and at his* death *moved the*
common sort of people *to much remorse, who all attributed his* death *to the*
desire his Majesty had to satisfie Spain.

Further, you may let them know how able a man Sir Walter Rawleigh
was to have done his Majesty service, if he should have been pleased to imploy

 him;

An. 1618. *him*; yet to give them content, he hath not ſpared him, *when by preſerving him, he might have given great ſatisfaction to his Subjects, and had at command, upon all occaſions as uſeful a man as ſerved any Prince in Chriſtendom; and on the contrary, the King of* Spain *is not pleaſed to do any thing which may be ſo inconvenient unto him, as to leſſen the affections of his people, or to procure ſo much as murmuring or diſtractions amongſt them: And therefore it is to be expected, that on his part, they anſwer his Majeſty at leaſt with* A *ſincere and real proceeding, ſince that is all they are put to, the difficulties and hazards being indeed on his Majeſties ſide. And truly, I ſhould think it fit, that not by way of commination, but as it were out of zeal to the Peace and Amity betwixt theſe two Crowns, you did intimate to the Duke and the other Miniſters, how impoſſible you held it to have peace long continued betwixt their Majeſties; if in this buſineſs wherein ſo much hath been profeſſed, there ſhould be found any indirectneſs. But herein you muſt be cautious and temperate; for as on the* B *one ſide, you and I well know, that this ſtile moſt perſwades with them, ſo on the other ſide, the decency and* buen termine *that is to be obſerved betwixt great Princes, will hardly admit of Threats or Revenge for a* Wooing Language; *but this I know falleth into ſo diſcreet a hand, that I little fear the handſome carriage of it. And I hope, that before theſe Letters arive with you, we ſhall hear from you, in ſuch a ſtile, that this advice of mine ſhall be of no uſe. I pray you be very earneſt with the* Conde Gondomar, *that he will not forget to negotiate the liberty of Mr.* Mole, *for whom I hope (now my Lord* Roſs *is dead) for that which you and I know, it will not be ſo difficult to prevail. You* C *may put him in minde how when Father* Baldwills *liberty was granted unto him, although he could not abſolutely promiſe Mr.* Moles *releaſe, yet he then faithfully proteſted he would uſe the mediation of the Duke of* Lerma, *and of the Kings Confeſſor, and of that King if need were; and that he would try the beſt friends he had for the procurement of his enlargement, wherein you may deſire him to deal effectually, for that there is great expectance that he ſhould proceed honorably and really therein. I my ſelf likewiſe will uſe all the means I can for his relief; for it is a thing which is very much deſired here, and would give a* D *great deal of ſatisfaction.*

As touching Oſulivare, *it is very fit that you let them know, that the report of the honor they did him, hath come unto his Majeſties ears, and that although they will alleage, that in the time of Hoſtility betwixt* England *and* Spain, *it may be he did them many ſervices, and may then have deſerved well at their hands; for which they have juſt cauſe to reward him: Yet ſince by his Majeſties happy coming to theſe Crowns, thoſe differences have had an end, and that there is a perfect League and Amity betwixt them, his Majeſty cannot chuſe but diſlike that they ſhould beſtow upon him any* title *or* dignity, *which onely or properly belongeth unto him towards his own Subjects; that therefore he would be glad that they would forbear to confer any ſuch titulary Honors upon* E *any of his Subjects without his Privity. This you ſhall do well to inſiſt upon, ſo that they may underſtand that his Majeſty is very ſenſible, that they ſhould endeavor to make the* Iriſh *have any kinde of dependence on that State.*

Nov. 17. Queen *Anne* dieth.

Queen *Anne* died this year at *Hampton* Court, and was thence brought to her Palace at *Denmark*-houſe in the *Strand*: The common people who were great Admirers of Princes, were of opinion, that the Blazing-Star rather be-tokened the Death of that Queen, then that Cruel and Bloody War which ſhortly after hapned in *Bohemia*, and other parts of *Germany*. F

In

17 *Jacobi.* 1619.

IN the beginning of the year One thouſand ſix hundred and nineteen, the Emperor *Matthias* died; but immediately before his death, to engage Perſons of Honor in the Service of the Empire, he inſtituted Knights of ſeveral Orders for the defence of the Catholick Religion; who were bound by Oath to be faithful to the Apoſtolick Sea, and to acknowledge the Pope their cheif Protector. The Count *Palatine* of *Rhine*, who in the *interregnum* is cheif Vicar of the Empire, publiſhed his right by the Golden Bull, to govern in cheif till a new Emperor be choſen, and by Advice aſſumed the Power, requiring the people to demean themſelves peaceably under his Government.

Matthias the Emperor dies.

A

King *Ferdinand* in his broken Eſtate, propounded a Ceſſation of Arms, and offered fair terms of peace, but was not anſwered, for the breach would not be made up. The *Bohemians* declared that their Kingdom was Elective not Hereditary, that the States-General ought to have the free Election of their King, who always ought to be one of the Royal Houſe of *Bohemia*: That *Ferdinand* took the Government upon him by vertue of his Coronation in the Emperors life time, and had thereby made the Kingdom a Donative. The Evangelicks in the Upper *Auſtria* demanded equal Priviledges with the Catholicks, and reſolved to make union with the *Bohemians*. The Proteſtant States of *Moravia*, *Sileſia*, and *Hungaria*, baniſh the Jeſuites. The *Bohemians* proſpered in theſe beginnings, but the *Auſtrian* party received vigor by ſupplies out of *Hungary* and *Flanders*, and were able to ſtand their ground; and the Emperor capitulated with the Duke of *Bavaria* to levy forces to his uſe; for the expence of which ſervice, he engaged part of his Country to him.

A Ceſſation of Arms propoſed by *Ferdinand* is refuſed.

B

C

The War grows to a great height, and the King of *England* interpoſed in theſe differences, and ſent the Viſcount *Doncaſter* Extraordinary Ambaſſador to mediate a Reconciliation. His conſtant love of Peace, and his preſent fear of the ſad iſſue of theſe Commotions, and the requeſt of the King of *Spain*, moved him to take this part in hand. It was the *Spaniards* policy to make him a Reconciler, and by that means to place him in a ſtate of Neutrality, and ſo fruſtrate the hopes of that ſupport, which the Princes of the Union might expect from him by the Intereſt of the Count *Palatine*: For which cauſe the King of *Spain* ſpeaks out large promiſes, That he ſhould be the ſole and grand Arbiter of this Cauſe of Chriſtendom. Nevertheleſs his Mediation was ſlighted by the Catholick Confederates, and his Ambaſſador ſhufled out of the buſineſs: And at the ſame time, Mr. *Cottington* being very ſenſible of their unworthy dealings in the Court of *Spain*, profeſſed, That his moſt uſeful ſervice and beſt complying with his own Conſcience, would be to diſengage the King his Maſter.

King *James* interpoſes by his Ambaſſador the Viſcount *Doncaſter*.

D

E

The Archbiſhop of *Ments*, the Repreſenters of the Duke of *Saxony*, and the other Electors, *Brandenburgh*, *Cullen*, and *Tryers*, met at *Franckford* to chuſe the Emperor.

Upon the Eighth day of *Auguſt*, *Ferdinand* was choſen King of the *Romans*; and upon the Nineteenth of *September* had the Imperial Crown ſet upon his Head. Ambaſſadors from the Elector *Palatine* came to oppoſe *Ferdinand*, but were denied entrance at *Franckford*: The *Bohemians* diſclaimed the ſaid Election, and being aſſembled for that purpoſe, with the conſent of their Confederates, elected for their King, Count *Frederick Palatine* of *Rhine*.

The Elector *Palatine* ſends an Ambaſſador to oppoſe the Election of *Ferdinand*. The *Bohemians* chuſe the *Palatine* for their King.

F

At that time *Bethlem Gabor*, Prince of *Tranſylvania*, made known to

An. 1619.

Bethlem Gabor makes a union with the Proteſtants.

the Directors Evangelick, his great ſenſe of their condition ſince thoſe troubles began, deſired union with them, and offered to come in with an Army, hoping for the Great *Turks* conſent to peace, during the time of that Service. The Directors return their thanks, accept the offer, and Prince *Bethlem* immediately entred *Hungary*, to the Emperors great vexation, danger, and detriment; marching with an Army even to the Walls of *Vienna*.

A

The *Palatine* craves the advice of King *James*, touching his accepting the Crown.

The Count *Palatine* Elected King of *Bohemia*, craved advice of his Father in Law, the King of Great *Brittain*, touching the acceptation of that Royal Dignity: When this important buſineſs was debated in the Kings Council, Archbiſhop *Abbot*, whoſe infirmities would not ſuffer him to be preſent at the Conſultation, wrote his minde and heart to Sir *Robert Nanton*, the Kings Secretary.

B

That God had ſet up this Prince, his Majeſties Son in Law, as a Mark of Honor throughout all Chriſtendom, to propagate the Goſpel, and to protect the oppreſſed. That for his own part, he dares not but give advice to follow where God leads; apprehending the work of God in this, and that of Hungary: That by peece and peece, the Kings of the Earth that gave their power to the Beaſt, ſhall leave the Whore, and make her deſolate. That he was ſatisfied in Conſcience, that the Bohemians *had juſt cauſe to reject that proud and bloody man, who had taken a courſe to make that Kingdom not Elective, in taking it by the Donation of another. The ſlighting of the Viſcount* Doncaſter *in his Ambaſſage, gave cauſe of juſt diſpleaſure and indignation: Therefore let not a Noble Son be forſaken for their ſakes who regard nothing but their own ends. Our ſtriking-in will comfort the* Bohemians, *honor the* Palſgrave, *ſtrengthen the Princes of the Union, draw on the* United Provinces, *ſtir up the King of* Denmark, *and the* Palatines *two Uncles, the Prince of* Orange, *and the Duke of* Bouillon, *together with* Tremouille, *a rich Prince in* France, *to caſt in their ſhares. The Parliament is the old and honorable way for raiſing of Money, and all that may be ſpared is to be turned this way. And perhaps God provided the Jewels which were laid up in the* Tower *by the Mother, for the preſervation of the Daughter, who like a Noble Princeſs hath profeſſed that ſhe will not leave her ſelf one Jewel, rather then not maintain ſo religious and righteous a Cauſe. Certainly if countenance be given to this Action, many brave Spirits will offer themſelves: Therefore let all our Spirits be gathered up to animate this buſineſs, that the World may take notice that we are awake when God calls.*

C

D

The Life and Zeal of theſe Expreſſions from a Perſon of ſuch Eminency, may diſcover the Judgment and Affection of the *Anti-Spaniſh* party in the Court of *England*. But the King was engaged in thoſe ways, out of which he could not eaſily turn himſelf. Beſides, it did not pleaſe him, that his Son ſhould ſnatch a Crown out of the Fire: And he was uſed to ſay, *That the* Bohemians *made uſe of him as the Fox did of the Cats foot, to pull the Apple out of the Fire for his own eating*. In the mean while before the King could anſwer, the *Palſgrave* deſiring advice in that behalf, the *Bohemians* had wrought and prevailed with him to accept of their Election; whereof he ſent Advertiſement into *England*, excuſing the ſuddenneſs of the Action; for that the urgency of the cauſe would admit of no deliberation. King *James* diſavowed the Act, and would never grace his Son in Law with the ſtile of his new Dignity. But Sir *Richard Weſton* and Sir *Edward Conway* were ſent Ambaſſadors into *Bohemia*,

E

Before anſwer came he had accepted it.

F

to

17 *Jacobi.*

to close up the breach between the Emperor, and the Elector *Palatine.*

King *James* disavows the Act and clears himself of it to the King of *Spain.*

The King being not a little troubled and jealous, that the *Palatines* nearness to him might give cause of suspition to his Brother of *Spain,* that this Election had been made by his procurement or correspondence with the *German* Protestants, commands his Agent *Cottington* to give that King plenary Information of all proceedings; As, That his Ambassador being sent to compound the differences, and to reduce the *Bohemians* to the quiet obedience of the Emperor, instead of finding the Emperor so prepared, and such a way made for his Mediation as was promised and expected, received answer, That the business was already referred to four of the Electors, insomuch, that no place was left for his Authority to interpose.

Of this exclusive answer, as he had just cause to be sensible, considering that he had entred into that Treaty meerly at the instance of the King of *Spain,* and his Ministers; so there followed a further inconvenience, That the *Bohemians* having long expected the fruit and issue of this Mediation, and finding little hope by this means, did instantly, as out of desperation, Elect the Count *Palatine* for their King: Wherefore being tender of his own honor and reputation, especially in the opinion of the King of *Spain*, he would not have it blemished by the least misunderstanding. And for that end, he tendred to his view, such Letters as from time to time he had written to the Princes of the Union, and to the *Palatine* himself, whereby he might plainly see his dislike of the *Bohemians* engaging against their King, and his industry to contain those Princes in peace and quietness, and to make a fair Accord between the disagreeing parties.

Reply was made, as touching the answer given to the Viscount *Doncaster*, That he was admitted a Compounder in such form as was possible, the Arbitration having been committed by the late Emperor into the hands of three of the Electors, and the Duke of *Bavaria*; that nevertheless he might have proceeded in the Negotiation, and by his Masters Authority have over-ruled any difficulty which might have hapned on the Emperors side (on whose behalf the reference was made) if he had reduced the *Bohemians* to the acceptance of any reasonable conditions: But he presently, to the Emperors great disservice, labored to suspend the Election of the King of the *Romans,* till the *Bohemian* Controversie were first compounded, which was absolutely to defeat King *Ferdinand* of that Crown, and to disturb and put in danger his Election to the Empire. This was the more confirmed by his desire to make Bonfires in *Liege,* when the Count *Palatine* was made King of *Bohemia.* As touching the Kings integrity in the whole business, the satisfaction tendred was received with great applause; and it was further said, That it would gain the more authority and estimation if he should continue to disclaim that which had been done so contrary to his opinion, and against his Friends and Allies, as are all the Princes of the House of *Austria.*

The King of *Spain* testifies his resentment of Viscount *Doncasters* proceedings in *Germany.*

But the Lot was cast in *Germany*, and for the *Palsgrave* there was no going back; forces pour in a main on both sides. The King of *Poland* aided the Emperor in *Hungary,* to bound and check the incursions of Prince *Bethlem*; the Duke of *Saxony* did not brook his Fellow Electors advancement to Regal Majesty, and condemned his joyning with *Bethlem Gabor*; Who, *saith he,* came in with the *Turks* consent to make a desolation in the Empire.

The King of *Poland* aids the Emperor.

King

An. 1620.

Ferdinand publiſhes a Proſcription againſt the *Palatine.*

Prince *Anhalt Generaliſſimo* of the *Bohemians.*

Marqueſs *Ansbach* commands the forces of the Princes of the Union.

King *Frederick* viſited the ſeveral parts of his Kingdom to confirm the people to him, and to receive the Oath of Fidelity: And the Emperor publiſhed a Proſcription againſt him, wherein he proclaims him guilty of High Treaſon, excludes him out of the publick peace, and declares his reſolution to proſecute him as the publick Enemy of the Empire, and a contemner of his Imperial Majeſty, and abſolves all his Subjects from their Oaths and Duties to him, and commands all perſons whatſoever to abandon him and his adherents. *Chriſtian,* Prince of *Anhalt,* was appointed *Generaliſſimo* of the *Bohemian* Forces, and governed all affairs, which was ſome eclipſe and diſcontent to *Thurne* and *Mansfet,* who had hitherto ſtood the ſhock of the Imperial Armies. The Princes of the Union raiſed forces for the defence of the *Palatinate,* and their own intereſt, under the Marqueſs *Ansbach.* The Evangelicks were put to the worſt by General *Buquoy* in ſeveral encounters, and were much terrified by the Duke of *Bavaria,* who marched with an Army of Fifteen thouſand Horſe and Foot, and a Train of Artillery proportionable; and they were weakned by a Ceſſation of Arms in *Hungary,* between the Emperor and the Prince of *Tranſylvania.*

King *James* will not engage in the War, ſends Sir *Walter Aſton* Ambaſſador into *Spain* to negotiate the Match, and *Gondomar* returns.

In *Spain* they make all poſſible preparations for this War; onely the King of *England* will not take the Alarm, abhorring War in general, and diſtaſting the *Palſgraves* cauſe, as an ill preſident againſt Monarchy, and fed with hopes of compoſing all differences by the ſucceſs of the Spaniſh Treaty. For which purpoſe Sir *Walter Aſton* was then ſent Ambaſſador into *Spain,* and *Gondomar* returned into *England,* there to abide till the long debated Match be fully effected. The Articles of Religion for ſecuring Liberty of Conſcience to the *Infanta* and her Family, were greatly inlarged by the Commiſſioners deſigned for the Treaty, and were allowed by the King of *England*; but without a diſpenſation from *Rome,* the tranſactions between the two Kings were but Nullities. And for this cauſe it was expected, that our King ſhould propound ſuch conditions for the increaſe and great advantage of the *Roman* Catholick Religion, that the Pope may deliberate whether they be of that nature as may perſwade and merit the diſpenſation: To this demand the King made anſwer in his Letter to the King of *Spain,* That he had done as much in favor of the Catholicks as the times would bear, and promiſed in the word of a King, That no *Roman* Prieſt or other Catholick ſhould thenceforth be condemned upon any capital Law. And although he could not at preſent reſcind the Laws, inflicting onely pecuniary mulcts; yet he would ſo mitigate them as to oblige his Catholick Subjects to him. And if the Marriage took effect, his Daughter in Law ſhould finde him ready to indulge all favors which ſhe ſhould requeſt for thoſe of her Religion. Herein the Spaniſh Council acknowledged great ſatisfaction given, and a Paper was conceived and drawn up by a *Junto* of Canoniſts, Lawyers, and Divines, to perſwade the Pope to act his part.

Great immunities promiſed by King *James* to the Catholicks.

18 *Jacob.* 1620.

A great Army levied in *Flanders* under the command of *Spinola.*

IN the mean while an Army of Thirty thouſand was levying in *Flanders,* under the command of Marqueſs *Spinola.* The King of *England* ſent to know the cauſe of ſo great preparations. The Marqueſs gave anſwer, That he received his Commiſſion ſealed up with a charge not to open it till his Army were compleated, and brought together to a Rendevouz: But the King had proof enough to aſſure him, that this Army was intended for the *Palatinate.* Yet no more then one Regiment under the Command of Sir *Horatio Vere* could be obtained from him, though

A Regiment under the command of Sir *Horatio Vere* ſent from *England.*

two

18 Jacobi.

two more were promiſed: When *Spinola* had his Rendevouz where he muſtered Six and twenty thouſand Foot, and Four thouſand Horſe, he opened his Commiſſion, which required him to make War againſt all thoſe which ſhould be confederate with the *Bohemian* Rebels; and he communicated the ſame to the Ambaſſador of Great *Brittain*. At the ſame time the Engliſh began their march; as brave a Regiment as hath appeared in any age, conſiſting moſt of Gentlemen under a moſt worthy
A Leader, who was accompanied with the Earls of *Oxford* and *Eſſex*, perſons innobled as well by their own vertues, as by their Progenitors. Other Commanders in this Regiment were Sir *Edward Sackvile*, Sir *Gerard Herbert*, Sir *Robert Knolles*, Captain *Stafford*, Captain *Wilmot*, Captain *William Fairfax*, Sir *John Burlacy*, Cap. *Burroughs*, Cap. *Robert Knightly*, &c.

This handful of men reached the *Palatinate* with ſome difficulty, by the aid and conduct of *Henry* Prince of *Naſſau*.

B The Imperial forces became exceeding numerous by large ſupplies from ſeveral Countreys and Provinces. The States Proteſtant of the Upper and Lower *Auſtria*, upon the approach of the *Bavarian* Army, ſeeing nothing but manifeſt ruine, renounce their Confederacy with the *Bohemians*, and ſubmit to the Emperor, ſaving to themſelves their Rights and Priviledges in Religion: Whereupon the *Bohemians* and their King being but Twenty thouſand ſtrong, beſides an addition of Ten thouſand *Hungarians* from *Bethlem Gabor*, and fearing leaſt *Bavaria* and *Buquoy* joyning their forces, ſhould fall into *Bohemia*, thought it beſt to fortifie the
C Frontiers, and to defend their Country, which they conceived they might well do, if the Elector of *Saxony* would continue in his Neutrality. The Emperor ſent to the ſaid Elector to execute his Ban or Declaration of Treaſon againſt the Count *Palatine*, and the *Bohemian* Rebels. The *Bohemians* by their Ambaſſadors requeſted him, if he would not own their Cauſe, yet at leaſt to remain Neutral. The Duke of *Saxony* replied to King *Frederick*, That he had often repreſented to him what ruine
D was like to follow him by taking an others Crown; and for his own part, being called upon by the Emperor, to execute his Ban, and chaſtiſe the Rebels, he could not diſobey that juſt command: The Proteſtant Princes ſent to him again, and gave him notice of *Spinola*'s advance to ſubdue the *Palatinate*, but this did nothing move him. He entred *Luſatia* with ſome forces, and quickly reduced a part of that Province.

The Proteſtant States of *Auſtria* renounce the confederacy of the *Bohemians*.

The Elector of *Saxony* aſſiſts the Emperor, and executes the Ban againſt the *Palatine*.

In the *Palatinate*, *Spinola* having got the ſtart of the Engliſh, by means of a far ſhorter march, had no ſooner arived, but he took in di-
E vers Towns, and prevailed greatly over a ſpiritleſs people; yet he warily declined the hazard of Battel with the Princes of the Union: Neither was the Marqueſs *Ansbach* very forward to engage, or to ſeek or take advantages. The Dutch ſlowneſs was not excuſable, howbeit the great acceſs of ſtrength to the Emperors party, and this ſlender aid from the King of Great *Brittain*, to preſerve his Childrens Patrimony, muſt needs diſhearten the *German* Princes, and help to diſſolve the Union. After a while, the ſeaſon of the year drew them into their Winter Quarters;
F the Princes retired into their ſeveral Countreys, and the Engliſh Regiment was diſpoſed into three principal Gariſons: Sir *Horatio Vere* commanded in *Manheim*, Sir *Gerard Herbert* in *Heidelborough*, and Captain *Burroughs* in *Frankendale*, having onely power to preſerve themſelves within thoſe Walls, whileſt the enemy ranged round about them.

Spinola prevails much in the *Palatinate*.

The Armies take up their Winter Quarters.

An. 1620.

A Letter of the Duke of *Buckinghams* to *Gondomar* touching King *James* his bent to the *German* War.

A Letter written from the Marqueſs of *Buckingham* to *Conde Gondomar*, diſcovered the bent of the *Kings* minde and will touching the *German* War, That he was reſolved to continue *Neuter* for Conſcience, Honor, and Examples ſake. In regard of *Conſcience*, judging it unlawful to inthrone and dethrone Kings for Religions ſake; having a quarrel againſt the Jeſuites for holding that opinion: Beſides he ſaw the World inclined to make this a War of Religion, which he would never do. In point of *Honor*; for that when he ſent his Ambaſſador into *Germany* to treat of Peace, in the interim his Son in Law had taken the Crown upon him. And for *Example* ſake; holding it a dangerous preſident againſt all Chriſtian Princes to allow a ſudden tranſlation of Crowns by the *Peoples Authority*. Nevertheleſs he could not ſit ſtill, and ſee his Children diſpoſſeſſed of their Hereditary Rights, and hopes his Son in Law will make Overtures of Peace, which if ſlighted by the Emperor, he will not loſe the ſeaſon to prepare for the defence of the *Palatinate*. But if his Son will not hearken to his advice, he ſhall be inforced to leave him to his proper Counſels. A B

Notwithſtanding this open, wary and tender proceeding with all care and patience to obſerve the Spaniſh humors, our State Miniſters that were moſt addicted to *Spain*, diſcerned their trifling with us, which they did not ſpare to cenſure, and reſolved to uſe a freer Language; yet ſtill diſcovered a willingneſs to wait their further leiſure, for the Engliſh Patience ſeemed invincible. In the mean time the Privy Council having an eye to the ſupport of the *Palatinate*, began the raiſing of Moneys by way of free gift, and directed Letters of the tenor following, to divers Earls, Viſcounts, Biſhops, and Barons, the ſame Letter being ſent to each reſpectively. C

Octob. 25.

You may formerly have heard how the Palatinate *being the ancient Heritage of the Count* Palatine, *his Majeſties Son in Law, and to diſcend to his Majeſties Grand-children, is now invaded by a Foreign Enemy; many principal Towns are ſurpriſed, a great part of the Countrey in the poſſeſſion of ſtrangers, and the inhabitants forced to take an Oath againſt their Natural Prince. Whereupon his Majeſty out of conſiderations of Nature, Honor, and State, hath declared himſelf in the courſe of an* Auxiliary War *for the defence and recovery of the ſame; the occaſion being ſo weighty and preſſing, hath moved his Majeſty by the general advice of us his Council, to think of ſome courſe for proviſion of that nature, as may ſerve as well to the maintenance and preſerving of the preſent ſuccors already ſent, as for the reinforcing them out of thoſe Countries, as the occaſion of the War ſhall require: And for that the ſwiftneſs of the occaſion would not permit a ſupply by other means for the preſent, ſo readily as was needful, we have all concurred to begin with our ſelves, in offer of a voluntary* gift *unto his Majeſty, for the advancement of the preſent occaſion; nothing doubting, but that your Lordſhip being a Peer of the Kingdom, will chearfully and readily follow the example of us begun. And if there were much alacrity and readineſs found in the Nobility, and others, to contribute at the motion of his Majeſties Sons Ambaſſador, at what time the* Palatinate *was not invaded, neither had his Majeſty declared himſelf, you will much more and in a better proportion do it now theſe two weighty Motives do concur; and ſo nothing doubting of your Lordſhips readineſs herein, we bid,* &c. D E F

To the { *Marqueſs of* Wincheſter, *Earl of* Cumberland, } { *Earl of* Darby, *Earl of* Northumberland, &c.

Alſo a Letter of the ſame form was written to the Lord Major of *London*.

But

18 *Jacobi.*

But the ſhort Reign of King *Frederick* was near its period: The Imperial Forces under *Bavaria*, *Buquoy*, and *D. Balthazar*, advance towards *Prague*; and the *Bohemians* quit their Garriſons, to make their Army the more compleat: Yet neither Count *Mansfield* nor the Engliſh Forces were there. On the Eighth day of *November*, being the Lords day, both Armies met for the fatal deciſion of the great Controverſie. The *Bohemians* ſtood upon the advantage-ground betwixt the Imperialiſts and *Prague*: But the Enemy breaking through, ſcattered and ruined their whole Army, and purſued the Victory. The *King* and *Queen* ſurpriſed with this Diſcomfiture, among a wavering people in a City not very defenſible, were conſtrained to flie the next morning.

Frederick's Forces totally routed in the Battel at *Prague*.

Diminution of Honor was added to the Calamity of this Prince; becauſe he ſuffered his Soldiers to mutiny for Pay, when he had a maſs of Money by him, which was left behind to augment the Enemies Conqueſt. Neither was *Anhalt* the General a fit perſon for the high truſt repoſed in him; who not long after the Defeat, ſought and obtained the Emperors favor, and was made one of his Generals to debel the Proteſtant cauſe and party. But Count *Mansfield*, whom *Anhalt* ſlighted, and cloſed not with him to bring him up to this Fight, made good his fidelity, and with his Flying Army became a continual vexation to the Emperor, haraſing his Countries and forcing Contribution.

His calamity joined with loſs of Honor.

King *James*, upon the news of the *Palſgrave's* overthrow, and upon a Narration of the ſtate of Affairs in thoſe parts made unto His Majeſty by the Earls of *Oxford* and *Eſſex* newly returned from the *Palatinate*, was pleaſed to call a full Council together to conſider of this great and weighty affair. The Order enſuing relates the particulars.

At the Court at *Whitehall*, *Jan.* 13. 1620.

Preſent,

Lord Archbiſhop of Canterbury
Lord Chancellor
Lord Treaſurer
Lord Privy Seal
Lord Steward
Lord M. Hamilton
Lord Chamberlain
Earl of Arundel
Earl of Kelly
Lord V. Doncaſter
Lord V. Falkland
Lord Carew
Lord Digby
Mr. Treaſurer
Mr. Secr. Naunton
Mr. Secr. Calvert
Mr. Chanc. of the Exchequer
Maſter of the Rolls
Maſter of the Wards.

An Order at the Council-Table for recovering the *Palatinate*.

His Majeſty being reſolved to make ſome Royal preparations for the Recovery and Protection of the Palatinate, being the antient Inheritance of his Majeſties Son in law, and Grandchildren, did in his high wiſdom think meet to appoint ſome perſons of knowledge and experience in the Wars to conſider of, and give their Advice in ſuch Propoſitions as ſhall be made unto them by the Board, for the better expediting of that ſervice. To which purpoſe the Earl of Oxford and the Earl of Eſſex, the Earl of Leiceſter, the Lord Viſcount Wilmot, the Lord Danvers, the Lord Calfield, Sir Edward Cecyl, Sir Richard Harriſon Knights, and Captain Danbingham were

An. 1620. called to the Table, and made acquainted with his Majesties pleasure, That they, or any Five or more of them, together with Sir Horace Vere, and Sir Edw. Conway Knights (if they return into England while this Committee doth continue) shall undertake this service, and have their meetings and assemblies in the whole Council-chamber here in Whitehall touching the affairs above mentioned: And that for their better assistance they call unto them such others of experience, whose advice and opinion they shall think fit to make use of in their several Consultations, upon such things as shall be so referred unto them from the Board. Which they are to prosecute without intermission or delay. And they shall make Report of their Opinions, which is to be done in writing under Five of their hands at least. A

The Particulars offered to their Consideration, are these;

First, What proportion or number of men, as well Horse as Foot, with Munition, Victuals, Shipping, and Treasure, will be sufficient for that Enterprise. B

And secondly, By what time it will be meet that their Forces be in readiness; And where the Arms, Munition, and Victuals may best be provided; with such other Circumstances as are incident to any of these Heads.

For the better direction herein, Mr. Secretaries will acquaint them with such Intelligences as they have received touching the strength of the Enemies Forces now in the Palatinate.

Moreover, The King to encourage the Princes of the Union, and to keep them in Arms, sent them Thirty thousand pounds; yet withall resolved to treat for Peace, and dispatched Sir *Edward Villers* into *Silesia* to fetch the *Palsgraves* Submission to the Emperor, upon Conditions to be conceived according to equity and conveniencie. C

The *Spaniards* flatter the King.

Never did the *Spaniards* more flatter King *James*, then after the *Defeat* at *Prague*. They affirm that he shall *ordain* according to his pleasure in the *Palsgrave's* Restitution, and be obeyed; That the *Infanta's* Portion was preparing, and that the Pope was obliged to grant the Dispensation, from whom they resolve to take no denial. *Cottington* the Agent in *Spain* now attested the Honesty of *Gondomar's* Dispatches hither, and cryed him up for a Cordial man, and well deserving His Majesties favor. D

This notable Spanish *Engine* had so wrought himself into the Kings affections, that he gained the access of a *Favorite* rather then of an *Ambassador* from a Foreign Prince.

Some in the English Court were then suspected to be Pensioners to *Spain*; as may be gathered from the Spanish Ambassadors Instructions received from the King his Master. E

Private Instructions to the Spanish Ambassador into *England*.

"BEsides that which I enjoin you in your General Instructions given "you for *England*, whither I send you to reside, I thought good to "advertise you apart by themselves of the chiefest things of Importance "which you shall there negotiate, and endeavor to further and ad- "vance. F

"It is well known, that I have desired and endeavored to favor the "Cause of the *Catholicks* of that Kingdom, and to further it to their best "advantage, as well in the time of the Queen deceased who did so much "prosecute and oppress them, as since the time that the present King hath "succeeded; yet that calamity still continues upon them, by reason of the

ill

18 *Jacobi.*

"ill offices done unto them by the *Puritans* and *Proteſtants* (of whom "the greater part of that Kings Council doth conſiſt:) Howbeit be- "cauſe it is a thing that I could not well urge or preſs, without "breeding jealouſies, and ſo cauſe thereby a greater harm to the "Catholicks, I have proceeded on my part with that warineſs and *diſ-* "*ſimulation* as is fit.

"*D. A.* ſhall inform you of what hath paſſed in this matter, as alſo
A "in what eſtate things are at this preſent, and how you ſhall govern "your ſelf for the time to come, according to the orders given unto him, "whoſe example we wiſh you to follow. And of this take ſpecial heed: "That although it be believed that we may be very confident of the "truſtineſs of thoſe *Catholicks* by whoſe means the buſineſs of the reſt "is undertaken, that they will be ſecret; notwithſtanding leſt any *Here-* "*tick* ſhall come in the name or ſhew of a Catholick only to make ſome "diſcovery; It ſhall be fit, that in all ſpeeches you ſhall have with them
B "concerning that which ſhall touch the Catholicks, that you tell them "how much I deſire to ſee them freed from thoſe preſſures under which "Queen *Elizabeth* put them, and that God would inſpire the Kings heart "that he may reduce himſelf to the obedience of the *Roman* Catholick "Church: And adviſe them to endeavor to win the King unto them, "by ſhewing themſelves good and loyal and obedient Subjects, in tem- "poral duties, and not to meddle any thing againſt his *State*; that by "their deeds he may ſee what ſecurity may be expected from them, and
C "may alſo bind himſelf to favor them; theſe being things that do no "way contradict the obſerving the Catholick Religion, and are due from "them to the dignity of their King and Natural Lord: And for the ſame "reaſon they ought to abſtain from all ill practices, or unfitting ſpeech "or actions againſt his Perſon, as is ſaid ſome heretofore have uſed; "eſpecially ſeeing no good hath, or can come thereof, and thereby they "ſhall juſtly provoke him againſt themſelves; and by holding this courſe "they ſhall win the Kings good will, and the Peace ſhall be preſerved,
D "and by the Peace by little and little be won and attained that which "is deſired. By this manner of proceeding it is certain there can come no "inconvenience: But in caſe that this your manner of dealing ſhall come "to the Kings knowledge (as poſſibly it may) it will breed a great ob- "ligation of brotherhood and friendſhip between us, when he ſhall ſee "that I carry my ſelf in this ſort in his affairs, and conſequently will be "the more confident of our amity, and will thereby be induced the "better to ſubdue all malice in them that ſhall endeavor to perſwade the
E "contrary. And therefore you ſhall have a ſpecial care to do this dexte- "rioufly, in due time and ſeaſon; and to inform your ſelf very particu- "larly from the ſaid *D. A.* concerning thoſe with whom you may deal "confidently, and how far you may truſt the *Negotiants* for the Catho- "licks; though you ſhall do well alway to proceed with the aforeſaid "caution and warineſs.

"You ſhall underſtand from the ſaid *D. A.* what *Penſions* are allotted "to certain *Miniſters* of that King, and to other perſons: It will be ne-
F "ceſſary to inform your ſelf throughly of all that concerns this point, "and that you know both the *Perſons* and *Penſions* to ſerve your ſelf "of them, and to make the beſt uſe of them in all occaſions that ſhall "be moſt behoveful for your better direction in the Buſineſſes given you "in charge, and all others that may be offered of conſequence, ſeeing "the ſaid Penſions were appointed to that end.

An. 1620.

"Whatsoever of the said Pensions you shall find unpaid for the time "past, *D. A.* is to discharge, and you shall undertake for the time to "come; telling every one what his Pension is, to the end they may be "deceived of no part thereof by the Third person who conveys it unto "them; and let it be punctually paid at the days, that their good pay- "ment may bind them to persevere and do their service punctually; for "the which you shall be furnished with all that shall be necessary. And "have a special care to advertise me how such persons employ them- A "selves in the things that shall occur, disguising their names in such man- "ner as *D. A.* doth.

"Above all, You must take great care to dive into the estate of the "affairs of that King: What his Treasure is; In what Estimation he is "with his Subjects, and what Correspondeneie and good meaning there "is betwixt them; How the *English*, *Scotch* and *Irish* stand affected among "themselves and one towards another, and towards their Neighbors, and "how they are bent against me and my Common Estates, or any of my B "particular Kingdoms; whence they draw their Intelligences, and par- "ticularly what amity and correspondencie that King entertaineth with "*France*, and with the *Neutrals* of *Holland* and *Zealand*, and with the "*Venetians*, and upon what causes it is founded, what matters they treat "of, what designs they have in hand. All which is very necessary to be "known; for the attaining of which *D. A.* will open unto you some ways "which you must follow, besides those which your self shall discover: "And you shall advertise me of whatsoever you shall understand and learn, C "governing your self in all occurrents with that wariness and discretion, "as your zeal to my service doth assure me of.

These were the Arts of *Spain*, to corrupt divers in the Court of *England*.

Buckingham and his Dependants followed the Kings inclinations: The Duke of *Lenox*, Marquis *Hamilton*, and *William* Earl of *Pembroke* disliking the Kings course, did not contest with him, but only intimated their dissent. D

It was said of *Gondomar*, That when he returned into *Spain*, he gave in his Account of Disbursments for Pensions given in *England*, (amongst others) To Sir *Robert Cotton* 1000*l.* a person of great Integrity, and one who was ever averse to the House of *Austria*. Which Sir *Robert* getting notice of by the English Agent then in *Spain*, demanded reparation, which was obtained, but with a *salvo* to the Ambassadors honor, the error being said to be committed by a Dependent upon the Ambassador, and not E by himself.

The King being jealous of uncomptrolled Soveraignty, and impatient of his Peoples intermedling with the Mysteries of State, had fallen into a great dislike of Parliaments, and for many years before had given way to Projects and Monopolies: And many of his Ministers perhaps fearing an enquiry into their own actions, might suggest to him, that he might better furnish himself by those ways, and the Match now in treaty, then by Subsidies, usually accompanied with the redress of Grievances. F

The King calls a Parliament.

Nevertheless, he was now minded to call a Parliament, conceiving it might be of special use: For he observed the affections of the People to be raised for the Recovery of the *Palatinate*; and then concluded, that those affections would open their purses to the supply of his wants; and the Treaty with *Spain* would effect the business without the expence and troubles

troubles of War, and the good accord between him and his people would quicken the *Spaniard* to conclude the Match. And accordingly Writs were issued forth to assemble them the 30. of *January*. In the calling of this Parliament he recommended to his Subjects the choice of such Members as were of the wisest, gravest, and best affected people, neither superstitious, nor turbulent, but obedient Children to this their Mother-Church. 18 *Jacobi.*

A In the mean while in *Germany*, the Protestant Union continually declined by the gradual falling away of the several partakers. The Elector of *Saxony* reduced the remainder of *Lusatia*. The Province of *Moravia*, upon the approach of *Buquoy*, seeing the Count *de Latiere* came not in to their succor, prayed that they might enjoy their Priviledges in matter of Religion, and be received into the Emperors grace and favor: which submission was well received at *Vienna*. Likewise the States of *Silesia* failing of assistance from the Elector *Palatine*, were constrained B to make their peace. The Protestant Union declines in *Germany*.

Then the *Palatine* propounded to the Elector of *Saxony* an Overture of Peace, declaring, That he took the Crown upon him to preserve the Protestants in the free exercise of their Religion. The *Saxon* replied, That he had no way to make his Peace, but to renounce the Kingdom of *Bohemia*, and the Provinces Incorporate, and to beg the Emperors pardon. Afterwards the Elector *Palatine* goeth to *Brandenburgh*, and then to *Segenburgh*, where there was an Assembly of Princes and States Protestant C to oppose the exploits of *Spinola*. In the mean while Count *Mansfield* stirs in *Bohemia*, pillages several Towns, and the Goods of all those that cryed, *God save King Ferdinand!* The *Palatine* propounds a Peace to the Elector of *Saxony*.

The relation of *England* to these affairs of Foreign States, had caused a general liberty of discourse concerning matters of State: which King *James* could not bear, but by Proclamation commanded all from the highest to the lowest, not to intermeddle by Pen or Speech with State-concernments and secrets of Empire, either at home or abroad; which D were no fit Themes or Subjects for Vulgar persons, or Common meetings. The King puts forth a Proclamation forbidding discourse of State-affairs.

On the Thirtieth day of *January* the Parliament began to sit, and the King came in person and made this Speech.

"MY Lords Spiritual and Temporal, and you the Commons! *Cui multiloquio non deest peccatum.* In the last Parliament I made "long discourses, especially to them of the Lower House: I did open the E "true thoughts of my heart; but I may say with our Saviour, *I have "piped to you, and you have not danced; I have mourned, and you have not "lamented.* Yet as no mans actions can be free, so in me God found some "spices of vanity, and so all my sayings turned to me again without any "success. And now to tell the reasons of your calling, and this meeting, "apply it to your selves, and spend not the time in long Speeches. Con-"sider that the *Parliament* is a thing composed of a Head and a Body, "The *Monarch* and the Two *Estates*; It was first a Monarchy, then after F "a Parliament. There are no Parliaments but in Monarchical Govern-"ments; For in *Venice*, the *Netherlands*, and other Free Governments "there are none. The Head is to call the Body together: And for the "Clergy, the Bishops are chief; for Shires, their Knights; and for "Towns and Cities, their Burgesses and Citizens. These are to treat of "difficult matters, and to counsel their King with their best advice to "make The Kings Speech to the Parliament.

An. 1620.

"make Laws for the Commonweal. And the Lower House is also to "petition their King, and acquaint him with their Grievances, and not to "meddle with their Kings *Prerogative*. They are to offer supply for his "Necessity, and he to distribute in recompence thereof Justice and Mercy. "As in all Parliaments it is the Kings office to make good Laws, (whose "fundamental cause is the Peoples ill manners) so at this time, that we "may meet with the new Abuses and the incroaching Craft of the times: "Particulars shall be read hereafter. A

"As touching *Religion*, Laws enough are made already. It stands in "two points, Perswasion and Compulsion: Men may perswade, but God "must give the blessing. *Jesuites*, *Priests*, *Puritans* and *Sectaries*, erring "both on the right hand and left hand, are forward to perswade unto their "own ends; and so ought you the *Bishops*, in your example and preaching: "But Compulsion to obey, is to bind the Conscience.

"There is talk of the *Match* with *Spain*: But if it shall not prove a "Furtherance to Religion, I am not worthy to be your King: I will never B "proceed but to the glory of God, and content of my Subjects.

"For a *Supply* to my Necessities: I have reigned Eighteen years, in "which time you have had Peace, and I have received far less supply than "hath been given to any King since the Conquest: The last Queen of "famous memory, had one year with another above a Hundred thousand "pounds *per annum* in Subsidies; And in all my time I have had but Four "Subsidies and Six Fifteens. It is Ten years since I had a Subsidy; in all "which time I have been sparing to trouble you: I have turned my self C "as nearly to save expences as I may; I have abated much in my House- "hold expences, in my Navies, in the charge of my Munition; I made "not choice of an old beaten Soldier for my Admiral, but rather chose a

Buckingham. " Young man, whose honesty and integrity I knew, whose care hath "been to appoint under him sufficient men, to lessen my Charges, which "he hath done.

"Touching the miserable dissentions in Christendom, I was not the "cause thereof; For the appeasing whereof I sent my Lord of *Doncaster*, D "whose journey cost me Three thousand five hundred pounds. My Son "in law sent to me for Advice, but within three days after accepted of "the Crown; which I did never approve of, for three Reasons.

"First for Religion's sake, as not holding with the Jesuites disposing "of Kingdoms; rather learning of our Saviour to uphold, not to over- "throw them.

"Secondly, I was no Iudge between them, neither acquainted with "the Laws of *Bohemia*. *Quis me Judicem fecit?* E

"Thirdly, I have treated a Peace, and therefore will not be a Party; "Yet I left not to preserve my Childrens Patrimony: For I had a Con- "tribution of my Lords and Subjects, which amounted to a great sum; "I borrowed of my Brother of *Denmark* Seven thousand five hundred "pounds to help him, and sent as much to him as made it up Ten thou- "sand; and Thirty thousand I sent to the Princes of the Union, to hearten "them. I have lost no time: Had the Princes of the Union done their "parts, that handful of men I sent had done theirs. I intend to send by F "way of Perswasion, which in this Age will little avail unless a strong "hand assist: Wherefore I purpose to provide an Army the next Sum- "mer, and desire you to consider of my Necessities, as you have done "to my Predecessors. *Qui citò dat, bis dat. I will engage my Crown, my "Blood, and my Soul in that Recovery.*

"You

18 *Jacobi.*

"You may be informed of me in things in courſe of Juſtice, but I never "ſent to any of my Iudges to give ſentence contrary to Law. Conſider "the Trade, for the making thereof better; and ſhew me the reaſon why "my Mint for theſe eight or nine years hath not gone. I confeſs I have "been liberal in my Grants; but if I be informed, I will amend all hurtful "Grievances: But who ſhall haſten after Grievances, and deſire to make "himſelf popular, he hath the ſpirit of Satan: If I may know my Errors, A "I will reform them. I was in my firſt Parliament a Novice; and in my "laſt there was a kind of beaſts called *Undertakers*, a dozen of whom un- "dertook to govern the laſt Parliament, and they led me. I ſhall thank "you for your good office, and deſire that the World may ſay well of "our agreement.

In this Parliament the Commons preſented Sir *Tho. Richardſon* for their Speaker.

The King minded his former engagements, and in the beginning of B the Parliament ſends Sir *John Digby*, now made Lord *Digby*, into *Flanders* to the Archduke *Albertus*, to gain a preſent Ceſſation from War, and to make way for a Treaty of Peace with the Emperor. And alſo about the ſame time he ſent Mr. *George Gage* to *Rome*, to join with *Padre Maeſtre* the Spaniſh Agent in negotiating the Popes Diſpenſation. The Archduke at *Bruxels* aſſented to a Reconciliation in favor of our King, and obtained from Marquis *Spinola* a ſuſpenſion of all hoſtility againſt the Country and Subjects of the Elector Palatine, which continued till the death of C Archduke *Albert*, who died 17° *Julii* following. So the Lord *Digby* returned into *England*, bringing the Ceſſation of Arms, about the ſame time that Sir *Edward Villers* brought the *Palſgrave's* Submiſſion. But the Twelve years Peace between *Spain* and the *United Provinces* at this time expiring, *Spinola* returned into *Flanders*, and left the *Palatinate* to the Imperial Forces.

The Lo. *Digby* ſent Ambaſſador into *Flanders*, and Mr. *Gage* to *Rome*.

After the Aſſembly at *Segenburgh*, the Palatine and his Princeſs took their journey into *Holland*, where they found a refuge and noble enter- D tainment with the Prince of *Orange*, who gave a high teſtimony of honor to the Electreſs at her firſt arrival, for her magnanimous carriage in *Bohemia*.

The Palatine and his Princeſs go into *Holland*.

The Ambaſſage of *Weſton* and *Conway* prevailed little. The Emperor went on in a ſevere Reformation, and frequent Executions among that vanquiſhed people: He deſtroyed moſt of their antient Laws, and made new Ordinances; declaring a ſoveraignty over them, not as an Elected King, but as a Lord by right of Conqueſt.

The Emperor proceeds ſeverely with the *Bohemians*.

More Princes of the Union reconcile themſelves to the Emperor; E The Imperial Proteſtant Towns, *Strasburgh*, *Worms*, and *Nuremburgh*, ſubſcribe to Conditions of Peace. The reconciled Princes and States intercede for the Elector Palatine; but their motion diſpleaſed the Emperor, who alleadged, that the Palatine did not acknowledge his faults nor ſue for Pardon, but made Levies in *Holland* and elſwhere, to renew the War in the Empire. For the King of *Denmark*, the United Provinces, and divers German Princes did adhere to the *Palſgrave's* cauſe, and ſtickle F for him. But the Princes Confederates being already ſcattered, and the heart of the Union broken, Thoſe counſels and enterpriſes of War on his behalf, inſtead of repreſſing the progreſs of the Auſtrian party, did miniſter occaſion of their more abſolute and plenary Conqueſt.

Imperial Proteſtant Towns reconcile themſelves to the Emperor, and intercede for the Palatine, but in vain.

But to return to the Parliament in *England*. They petition the King for the due execution of Laws againſt Jeſuites, Seminary Prieſts and Popiſh

An. 1621. Grievances proposed in Parliament.

Popish Recusants. Likewise they take in hand to redress the Peoples Grievances by illegal Patents and Projects, and chiefly that of Inns and Alehouses, for which there was a great Fine, and an Annual Revenue throughout the Kingdom; and the Monopoly of Gold and Silver-thread, whereby the People were abused with base and counterfeit Wares. But the examination of these Abuses was accompanied with the grant of Two Subsidies, which was very acceptable to the King. Sir *Giles Mompesson* was convented before the House of Commons for many heinous offences and misdemeanors in this kind, to the intolerable grievance of the Subject, the great dishonor of the King, and the scandal of his Government. This Delinquent was committed to prison, but he escaped thence and got beyond sea, and was pursued by the Kings Proclamation.

Sir *Giles Mompesson* imprisoned, but escapes beyond Sea.

The Commons at a Conference with the Lords offered to prove, That the Patents of Gold and Silver-Thread, of Inns and Alehouses, and of power to Compound for obsolete Laws, of the Price of Horse-meat, Starch, Cords, Tobacco-pipes, Salt, Train-oil, and the rest, were all illegal: Howbeit they touch'd not the tender point of Prerogative; but in restoring the Subjects liberty, were careful to preserve the Kings honor. The Lords resolved to admit no other business, till this were ended.

19 *Jac.* *An.* 1621. Hereupon the King came to the House of Lords, and there made a Speech.

The Kings Speech to the Lords.

"MY Lords, The last time I came hither, my errand was to inform "you (as well as my memory could serve me of things so long past) "of the verity of my proceedings, and the caution used by me in passing "those Letters-Patents which are now in question before you, to the "effect that they might not be abused in the execution. And this I did "by way of Declaration. But now I am come (understanding the time "of your Censure at hand) to express my readiness to put in Execution "(which is the life of the Law) those things which ye are to sentence; "(For even the Law it self is a dead letter without Execution) For which "office God hath appointed me in these Kingdoms. And though I assure "my self, that my former behaviour in all the course of my life hath made "me well known for a just King; yet in this special case I thought fit to "express my own intentions out of my own mouth, for punishment of "things complained of: The first proof whereof I have given by the dili-"gent search I caused to be made after the person of Sir *Giles Mompesson*, "who though he were fled, yet my Proclamation pursued him instantly: "And as I was earnest in that, so will I be to see your Sentence against "him put in execution.

"Two reasons move me to be earnest in the execution of what ye "are to sentence at this time.

"First, That duty I owe to God who hath made me a King, and "tied me to the care of Government by that Politique Marriage betwixt "me and my People: For I do assure you in the heart of an honest man, "and by the faith of a Christian King, (which both ye and all the world "know me to be) had these things been complained of to me before the "Parliament, I would have done the office of a just King, and out of "Parliament have punished them as severely, and peradventure more, "then ye now intend to do. But now that they are discovered to me in "Parliament, I shall be as ready in this way, as I should have been in the "other: For I confess I am ashamed (these things proving so as they are generally

19 *Jacobi.*

"generally reported to be) that it was not my good fortune to be the
"onely Author of the Reformation, and puniſhment of them by ſome
"Ordinary Courts of Juſtice. Nevertheleſs, ſince theſe things are
"new diſcovered by *Parliament*, which before I knew not of, nor could
"ſo well have diſcovered otherwiſe; in regard of that Repreſentative
"Body of the Kingdom which comes from all parts of the Countrey, I
"will be never a whit the ſlower to do my part for the execution: For
A "(as many of you that are here, have heard me often ſay, and ſo I will
"ſtill ſay) ſo pretious unto me is the Publick Good, that no private per-
"ſon whatſoever, (were he never ſo dear unto me) ſhall be reſpected by
"me, by many degrees, as the Publick Good; not onely of the whole
"Commonwealth, but even of a particular Corporation that is a Mem-
"ber of it. And I hope that ye, my Lords, will do me that right to pub-
"liſh to my people this my Heart and purpoſe.

"The ſecond Reaſon is, That I intend not to derogate or infringe
B "any of the Liberties or Priviledges of this Houſe, but rather to fortifie
"and ſtrengthen them: For never any King hath done ſo much for the
"Nobility of *England*, as I have done, and will ever be ready to do.
"And whatſoever I ſhall ſay, and deliver unto you as my thought; yet
"when I have ſaid what I think, I will afterwards freely leave the Judg-
"ment wholly to your Houſe. I know you will do nothing but what
"the like hath been done before: And I pray you be not jealous that I
"will abridge you of any thing that hath been uſed; For whatſoever
C "the Precedents (in times of good Government) can warrant, I will al-
"low; For I acknowledge this to be the Supream Court of Juſtice,
"wherein I am ever preſent by Repreſentation. And in this ye may be
"the better ſatisfied by my own preſence coming divers times among
"you. Neither can I give you any greater Aſſurance, or better Pledge
"of this my purpoſe, then that I have done you the honor to ſet my
"onely Son among you; and hope that ye with him ſhall have the means
"to make this the happieſt *Parliament* that ever was in *England*.

D "This I Profeſs, and take comfort in, That the *Houſe of Commons*
"at this time, have ſhewed greater love, and uſed me with more reſpect
"in all their proceedings, then ever any *Houſe of Commons* have hitherto
"done to me, or I think to any of my *Predeceſſors*. As for this Houſe
"of yours, I have always found it reſpective to me, and accordingly do
"I, and ever did favor you, as you well deſerved. And I hope it will be
"accounted a happineſs for you, that my *Son* doth now ſit among you, who
"when it ſhall pleaſe God to ſet him in my place, will then remember
E "that he was once a *Member* of your Houſe, and ſo be bound to maintain
"all your lawful Priviledges, and like the better of you all the days of
"his life. But becauſe the World at this time talks ſo much of *Bribes*,
"I have juſt cauſe to fear the whole Body of this Houſe hath bribed him
"to be a good Inſtrument for you upon all occaſions: He doth ſo good
"Offices in all his Reports to me, both for the Houſe in general, and
"every one of you in particular. And the like I may ſay of one that
"ſits there, *Buckingham*, he hath been ſo ready upon all occaſions of
F "good Offices, both for the Houſe in general, and every Member in
"particular. One proof thereof, I hope my Lord of *Arundel* hath al-
"ready witneſſed unto you, in his Report made unto you of my Anſwer
"touching the Priviledges of the Nobility, how earneſtly he ſpake unto
"me of that matter.

An. 1621.

"Now, my Lords, the time draws near of your *Receſs*; whither for-
"mality will leave you time for proceeding now to Sentence againſt all,
"or any of the perſons now in queſtion, I know not; but for my part,
"ſince both Houſes have dealt ſo lovingly and freely with me, in giving
"me a free gift, Two Subſidies, in a more loving manner than hath been
"given to any King before, and ſo accepted by me: And ſince I cannot
"yet retribute by a General Pardon (which hath by Form uſually been re-
"ſerved to the end of a Parliament) the leaſt I can do, (which I can A
"forbear no longer) is to do ſomething in preſent, for the eaſe and good
"of my people. Three Patents at this time have been complained of, and
"thought great Grievances.

1. *That of the Inns and Hoſteries.*
2. *That of Ale-houſes.*
3. *That of Gold and Silver Thred.*

"My purpoſe is to ſtrike them all dead; and that time may not be
"loſt, I will have it done preſently: That concerning Ale-houſes I B
"would have to be left to the Managing of Juſtices of the Peace as be-
"fore. That of Gold and Silver Thred was moſt vilely executed, both
"for wrong done to mens perſons, as alſo for abuſe in the Stuff; for it
"was a kinde of falſe Coyn. I have already freed the perſons that were
"in priſon, I will now alſo damn the Patent, and this may ſeem inſtead
"of a Pardon. All theſe three I will have recalled by Proclamation, and
"wiſh you to adviſe of the fitteſt Form to that purpoſe.

"I hear alſo there is another Bill among you againſt Informers. I C
"deſire you, my Lords, that as you tender my Honor, and the good of my
"People, ye will put that Bill to an end as ſoon as you can; and at your
"next meeting to make it one of your firſt works. For I have already
"ſhewed my diſlike of that kinde of people openly in *Star-Chamber*; and
"it will be the greateſt eaſe to me, and all thoſe that are near about me at
"Court, that may be: For I remember that ſince the beginning of this
"Parliament, *Buckingham* hath told me, he never found ſuch quiet and
"reſt, as in this time of Parliament, from Projectors and Informers, D
"who at other times miſerably vexed him at all hours.

"And now I confeſs, that when I looked before upon the face of
"the Government, I thought (as every man would have done) that the
"people were never ſo happy as in my time: For even as at divers times
"I have looked upon many of my Coppices, riding about them, and they
"appeared on the outſide very thick and well-grown, unto me; but when
"I turned into the midſt of them, I found them all bitten within, and full
"of Plains, and bare ſpots; like an Apple or Pear, fair and ſmooth with- E
"out, but when ye cleave it aſunder, you finde it rotten at the Heart.
"Even ſo this Kingdom, the *External Government* being as good as ever
"it was, and I am ſure as Learned Judges as ever it had, and I hope as
"honeſt Adminiſtring Juſtice within it; and for Peace, both at home
"and abroad, I may truly ſay, more ſetled and longer laſting then ever
"any before; together with as great plenty as ever. So as it was to be
"thought that every man might ſit in ſafety under his own Vine and Fig-
"Tree: Yet I am aſhamed (and it makes my hair ſtand upright) to con- F
"ſider, How in this time my people have been vexed and polled by the
"vile execution of Projects, Patents, Bills of Conformity, and ſuch like;
"which beſides the trouble of my people, have more exhauſted their
"Purſes, then Subſidies would have done.

"Now, my Lords, before I go hence, ſince God hath made me the

"*Great*

19 *Jacobi.*

"*Great Judge* of this Land under him, and that I must answer for the "Juſtice of the ſame: I will therefore according to my place, remember "you of ſome things, though I would not teach you; For no mans "Knowledge can be ſo good, but their Memories will be the better to be "refreſhed. And now becauſe you are coming to give Judgment, (all "which moves from the King) that you may the better proceed, take in- "to your care two things, 1. To do *Bonum*. 2. To do it *Bene*.

A "I call *Bonum*, when all is well proved whereupon ye Judge; for then "ye build upon a ſure Foundation. And by *Bene*, I underſtand, that ye "proceed with all Formality and Legality, wherein you have fit occaſion "to adviſe with the Judges, who are to aſſiſt you with their Opinions in "caſes of that nature; and wo be to them, if they adviſe you not well. "So the ground being good, and the form orderly, it will prove a courſe "fitting this High Court of Parliament.

B "In Sentence ye are to obſerve two parts: Firſt, To recollect that "which is worthy of judging and cenſuring; and ſecondly, To proceed "againſt theſe as againſt ſuch-like crimes properly. We doubt there will "be many matters before you; ſome complained of out of Paſſion, and "ſome out of juſt cauſe of Grievance: Weigh both, but be not carried "away with the impertinent diſcourſes of them that name as well Inno- "cent men as guilty. Proceed judicially, and ſpare none where ye finde "juſt cauſe to puniſh: But let your proceedings be according to Law, and "remember that Laws have not their Eyes in their Necks, but in their

C "Foreheads. For the Moral Reaſon for the puniſhment of Vices in all "Kingdoms and Commonwealths, is, becauſe of the Breach of Laws "ſtanding in force: For none can be puniſhed for Breach of Laws by Pre- "deſtination, before they be made.

"There is yet one particular that I am to remember you of. I hear "that Sir *Henry Yelverton* (who is now in the Tower upon a Sentence "given in the *Star-Chamber* againſt him, for deceiving my truſt) is touch-

D "ed concerning a Warrant Dormant which he made while he was my "Attorney. I proteſt I never heard of this Warrant Dormant before, "and I hold it as odious a matter, as any is before you. And if for reſpect "to me ye have forborne to meddle with him in Examination, becauſe he "is my Priſoner, I do here freely remit him unto you, and put him into "your hands.

"And this is all I have to ſay unto you at this time, wiſhing you to "proceed juſtly and nobly, according to the Orders of your Houſe, and "I pray God to bleſs you, and you may aſſure your ſelves of my aſſiſtance.

E "Wiſhing that what I have ſaid this day among you, may be entred into "the Records of this Houſe.

The Lords pronounced Sentence upon Sir *Giles Mompeſſon*, who was fled beyond Sea.

Sentence given againſt Sir *Giles Mompeſſon*.

1. *THat he ſhall be degraded of the Order of Knighthood, with reſervation of the Dignity of his Wife and Children.*

F 2. *That he ſhall ſtand perpetually in the degree of his perſon, Outlawed for Miſdemeanor and Treſpaſs.*

3. *That his teſtimony be received in no Court, nor he to be of any Inqui-ſition or Jury.*

4. *That he ſhall be excepted out of all General Pardons to be hereafter granted.*

An. 1621.

5. *That he ſhall be impriſoned during life.*

6. *That he ſhall not approach within Twelve miles of the Court, or Prince, nor of the Kings High Court uſually held at* Weſtminſter.

7. *And that the Kings Majeſty ſhall have the profit of his Lands for life, and all his Goods and Chattels ſo forfeited; and that he ſhall undergo Fine and Ranſome, which was ſet at Ten thouſand pounds.*

8. *Diſabled to hold or receive any Office under the King, or for the Commonwealth.* A

9. *That he ſhall be ever held an infamous perſon.*

10. *And his Majeſty added thereunto perpetual Baniſhment.*

And Sir *Francis Michel* his Compartner in Projects.

Sir *Francis Michel*, a Projector, and *Mompeſſons* Compartner, was fined One thouſand pound, degraded and impriſoned in the ſame place in *Finsbury* Fields, which he had prepared for others: For the *Tower* was thought too honorable for ſuch a perſon. He rode likewiſe from *Weſtminſter* into *London* with his face to the Horſe-tail. Likewiſe the King revoked his Letter Patents, Commiſſions, and Proclamations concerning Inns and Ale-houſes, and the Manufactures of Gold and Silver Thred. B

To theſe Reformations the King gave encouragement by his Third Speech in Parliament, wherein he declared much againſt Corruption and Bribery in Judicatures; profeſſing, That no perſon ſhould be preferred before the publick good, and that no offender ſhould go unpuniſhed. In the ſame Speech he gave them thanks for the Subſidies given in the beginning of the Parliament, and for the Title of the Grant, and proceeded to open his preſent ſtate in relation to his Son in Law, the Prince Elector *Palatine*; how the ſums granted by the Act of Subſidy were taken up beforehand for the defence of the *Palatinate*, and the maintenance of his Children expelled out of their Countrey, and for the raiſing of an Army for that recovery: That he had procured a ſhort Truce, and did hope to obtain a general peace. But the charges of ſending Ambaſſadors over Chriſtendom, or an Army into the *Palatinate*, in caſe a peace were not ſetled, could not be borne, but by the Grant of more Subſidies. Moreover he proteſted before God, That he would not diſſolve the Parliament till the matters in agitation were finiſhed. C D

Lord Chancellor *Bacon* accuſed and convicted of Bribery.

Soon after the Lord Chancellor *Bacon* was proceeded againſt, and a Conference of both Houſes was held concerning him: Where, firſt, the Commons obſerved his incomparable good parts, which they highly commended; ſecondly, They magnified the place he held, from whence Bounty, Juſtice, and Mercy, were to be diſtributed to the Subjects; whither all great Cauſes were drawn, and from whence there was no Appeal, in caſe of injuſtice, or wrong done, ſave to the Parliament. Thirdly, He was accuſed of great Bribery and Corruption in this eminent place, and the particulars were laid open: Then they concluded that this matter which concerned a perſon of ſo great eminency, might not depend long before their Lordſhips; but that the Examination of Proofs be expedited, that as he ſhall be found upon tryal, either he or his accuſers might be puniſhed. E F

After this the Marqueſs of *Buckingham*, Lord Admiral, declared to the Houſe of Lords, That he had received a Letter from the Chancellor, expreſſing, that he was indiſpoſed in health, but whither he lived or died, he would be glad to preſerve his Honor and Fame as far as he was worthy, deſiring to be maintained in their good opinions without prejudice,

prejudice, till his cauſe was heard; that he ſhould not trick up Innocency with cavillation, but plainly and ingenuouſly declare what he knew or remembred; being happy, that he had ſuch Noble Peers, and Reverend Prelates to diſcern of his Cauſe: That he deſired no priviledge of greatneſs for ſubterfuge of guiltineſs, but meaned to deal fairly and plainly with their Lordſhips, and to put himſelf upon their Honors and Favors.

A But the Charge came home upon him, inſomuch, that he abandoned all defence, and onely implored a favorable judgment in this humble Submiſſion and Supplication to the Houſe of Lords.

May it pleaſe your Lordſhips,

B *I ſhall humbly crave at your hands a benign interpretation of that which I ſhall now write: For words that come from waſted ſpirits, and oppreſſed mindes, are more ſafe in being depoſited to a noble conſtruction, then being circled with any reſerved Caution.*

This being moved (and as I hope obtained of your Lordſhips) as a protection to all that I ſhall ſay, I ſhall go on; but with a very ſtrange entrance, as may ſeem to your Lordſhips at firſt: For in the midſt of a ſtate of as great affliction as I think a mortal man can endure (Honor being above Life) I ſhall begin with the profeſſing of gladneſs in ſome things.

C *The firſt is, That hereafter the greatneſs of a Judge or Magiſtrate, ſhall be no ſanctuary or protection to him againſt guiltineſs, which is the beginning of a Golden Work.*

The next, That after this example, it is like that Judges will flie from anything in the likeneſs of Corruption (though it were at a great diſtance) as from a Serpent; which tends to the purging of the Courts of Juſtice, and reducing them to their true honor and ſplendor. And in theſe two points (God is my witneſs) though it be my fortune to be the Anvile upon which theſe two effects are broken and wrought) I take no ſmall comfort. But to paſs from the

D *motions of my heart, (whereof God is my Judge) to the merits of my Cauſe, whereof your Lordſhips are Judges, under God, and his Lieutenant; I do underſtand there hath been heretofore expected from me ſome juſtification; and therefore I have choſen one onely juſtification, inſtead of all others, out of the juſtification of* Job. *For after the clear ſubmiſſion and confeſſion which I ſhall now make unto your Lordſhips, I hope I may ſay and juſtifie with* Job *in theſe words,* I have not hid my ſin as did *Adam,* nor concealed my faults in my

E boſome. *This is the onely juſtification which I will uſe.*

It reſteth therefore, That without Fig-leaves I do ingenuouſly confeſs and acknowledge, that having underſtood the particulars of the Charge, not formally from the Houſe, but enough to inform my conſcience and memory: I finde matter ſufficient and full, both to move me to deſert my Defence, and to move your Lordſhips to condemn and cenſure me. Neither will I trouble your Lordſhips by ſingling theſe particulars which I think might fall off. Quid te exempta juvat ſpinis de pluribus una? *Neither will I prompt your Lordſhips to ob-*

F *ſerve upon the proofs where they come not home, or the ſcruple touching the credits of the Witneſſes. Neither will I repreſent to your Lordſhips, how far a Defence might in divers things extenuate the Offence, in reſpect of the time and manner of the guilt, or the like circumſtances; but onely leave theſe things to ſpring out of your more noble thoughts, and obſervations of the evidence, and examinations themſelves, and charitably to winde about the parti-*

culars

An. 1621.

culars of the Charge, here and there, as God ſhall put into your minde, and ſo ſubmit my ſelf wholly to your Piety and Grace.

And now I have ſpoken to your Lordſhips as Judges, I ſhall ſay a few words unto you as Peers and Prelates, humbly commending my Cauſe to your noble mindes, and magnanimous affections.

Your Lordſhips are not ſimply Judges, but Parliamentary Judges; you have a further extent of Arbitrary power then other Courts; and if you be not tyed by ordinary courſe of Courts, or Precedents, in points of ſtrictneſs and ſeverity, much leſs in points of Mercy and Mitigation: And yet if any thing which I ſhall move, might be contrary to your honorable and worthy End (the introducing a Reformation) I ſhould not ſeek it. But herein I beſeech your Lordſhips to give me leave to tell you a ſtory. A

Titus Manlius *took his Sons life for giving battel againſt the Prohibition of his General: Not many years after the like ſeverity was purſued by* Papirius Curſor, *the Dictator, againſt* Quintus Maximus; *who being upon the point to be ſentenced, was by the interceſſion of ſome particular perſons of the Senate ſpared: Whereupon* Livie *maketh this grave and gratious obſervation,* Neque minus firmata eſt Diſciplinæ Militaris periculo *Quinti Maximi,* quàm miſerabili ſupplicio *Titi Manlii. The Diſcipline of War was no leſs eſtabliſhed by the queſtioning of* Quintus Maximus, *then by the puniſhment of* Titus Manlius; *and the ſame reaſon is in the Reformation of Juſtice. For the queſtioning of men in eminent places, hath the ſame terror, though not the ſame rigor with the puniſhment. But my Cauſe ſtays not there; for my humble deſire is, That his Majeſty would take the Seal into his hands, which is a great downfal, and may ſerve I hope in it ſelf for an expiation of my faults.* B C

Therefore if Mercy and Mitigation be in your Lordſhips power, and no way croſs your ends, Why ſhould I not hope of your favor and commiſeration? Your Lordſhips will be pleaſed to behold your cheif pattern, the King our Soveraign, a King of incomparable Clemency, and whoſe heart is inſtructable for Wiſdom and Goodneſs; And your Lordſhips will remember there ſate not theſe Hundred years before, a Prince in your Houſe, and never ſuch a Prince, whoſe preſence deſerveth to be made memorable by Records, and Acts mixt of Mercy and Juſtice. Your ſelves are either Nobles (and compaſſion ever beateth in the Veins of Noble Blood) or Reverend Prelates, who are the Servants of him that would not break the bruiſed Reed, or quench the ſmoaking Flax. You all ſit upon a high ſtage, and therefore cannot but be ſenſible of the change of humane conditions, and of the fall of any from high place. D

Neither will your Lordſhips forget, that there are Vitia temporis, *as well as* Vitia hominis; *and the beginning of Reformation hath the contrary power to the Pool of* Bethesda; *for that had ſtrength to cure him onely that was firſt caſt in, and this hath ſtrength to hurt him onely that is firſt caſt in; and for my part I wiſh it may ſtay there, and go no further.* E

Laſtly, I aſſure my ſelf, your Lordſhips have a noble feeling of me, as a member of your own Body, and one that in this very Seſſion had ſome taſte of your loving affections, which I hope was not a lightning before the death of them, but rather a ſpark of that grace which now in the concluſion will more appear: And therefore my humble ſuit to your Lordſhips, is, That my penitent Submiſſion may be my Sentence, the loſs of my Seal my puniſhment, and that your Lordſhips would recommend me to his Majeſties Grace and Pardon for all that is paſt. Gods holy Spirit be among you. F

The Parliament not ſatisfied with this general Acknowledgment, do require

19 *Jacobi.*

require the Chancellor either to confeſs the particulars of the Charge, or they would deſcend to proof againſt him. Hereupon he came to an expreſs and plain Acknowledgment, even to confeſs his Servants receipt of a dozen of Buttons, as a gift in a Cauſe depending before him; and put himſelf upon their Lordſhips Mercy. And he further ſaid, "That he "was never noted for an avaritious man; and the Apoſtle ſaith, *Cove-* "*teouſneſs is the root of all evil*; and hoped their Lordſhips did finde him A "in a ſtate of Grace, for, that in all particular charges againſt him, "there were few or none that were not almoſt two years old: Whereas "thoſe that have the habit of corruption, do commonly wax worſe and "worſe; and for his eſtate it was ſo mean and poor, That his care was now "cheifly to ſatisfie his Debts. The Lords afterwards pronounced him guilty of the Charge exhibited againſt him, and in the preſence of the Commons gave Sentence, *That he ſhould undergo Fine and Ranſome, and be made incapable to bear office, &c.*

B This Learned Peer, eminent over the Chriſtian World for his many Writings extant in Print, was known to be no admirer of Money, yet had the unhappineſs to be defiled therewith: He treaſured up nothing either for himſelf or his family, for he both lived and died in debt; he was over indulgent to his Servants, and connived at their takings, and their ways betrayed him to that error; they were profuſe and expenſive, and had at command what ever he was maſter of. The gifts taken were for the moſt part for interlocutory Orders; his Decrees were generally C made with ſo much Equity, that though gifts rendred him ſuſpected for injuſtice, yet never any Decree made by him was reverſed as unjuſt, as it hath been obſerved by ſome knowing in our Laws.

About the ſame time Sir *Henry Yelverton* was accuſed by the Commons; who by charging him, rendred him the leſs offender; and he thereby had the opportunity to ſpeak that at the Bar, which he durſt not ſay in the *Tower*, where he was yet a priſoner upon a late Sentence in the *Star-Chamber*, for paſſing ſome Clauſes in the City Charter, when he was D Attorney General, not agreeable to His Majeſties Warrant. The matter charged againſt him by the Commons, was for committing divers perſons for not entring into Bonds to reſtrain their own Trades: That he ſigned Dormant Warrants, having no Authority for the ſame: That he adviſed the Patents of Gold and Silver Thred, to be reſumed into the Kings hands, conceiving the ſame to be a Monopoly, and adviſed the Patentees to proceed by Contract with the King: That Four thouſand *Quo Warranto's* were granted by him touching the Patents of Inns, and E but two to come to trial: That he commenced divers Suits in the *Exchequer*, touching the Gold and Silver Thred, but did not proſecute the ſame.

Sir *Henry* accuſed by the Commons.

Which Charge being read unto him, he ſaid, He thought himſelf happy in the midſt of His Majeſties diſfavor, that His Majeſty was pleaſed to caſt the Grace upon him, as to ſend him to this Honorable Houſe; That *Innocence* hath her preſent Anſwer, but *Wiſdom* requires time. Therefore he made it his humble ſuit, for time to give his further Anſwer; F adding withal, That the cheif Complaint againſt him was concerning the two Patents of Gold and Silver Thred, Inns and Oſteries. He ſaid, That if he deſerved well of His Majeſty, it was in that matter; That the King and Subjects were more abuſed by that Patent, then by any other; and that he ſuffered at that day for oppoſing that Patent as he took it.

The

An. 1621.

The King being informed of this passage in his Speech, came in person to the House of Peers, took notice thereof, saying, It seemed strange unto him, that Sir *Henry Yelverton* should be questioned here upon any thing, save the Patent of Gold and Silver Thred: For His Majesty did not conceive that any matter was complained of against him touching the Inns and Osteries, whereof he was also examined: Touching which Patent *Mompesson* had made complaint to His Majesty, that *Yelverton* refused to send any Proces of *Quo Warranto* against a multitude of Innkeepers; and His Majesty accepted *Yelvertons* modest Answer, That he misliked those proceedings against his Subjects. His Majesty to clear himself, did lay open the many former just mislikes which he had against Sir *Henry*, and his gentle proceedings against him for the same. And when His Majesty intended to question him, *Buckingham*, Lord Admiral, besought him not to think of any private wrongs done to his Lordship; His Majesty added, That in the Examination of the business touching the Charter of *London*, *Yelverton* had first justified himself by His Majesties Warrant; and that by that Warrant, he might have given away all *London* from him; yet at length he made a good Submission in the beginning, but in the end he said he had not wronged His Majesty in his Prerogative. And sith that now *Yelverton* doth tax His Majesty, that he suffered for his good service done His Majesty, requires the Lords who are able to do him Justice, to punish *Yelverton* for his slander. A B

Sir *Henry Yelverton* coming shortly after before the Lords, gave his particular Answer to each particular charge *in serie temporis*, and spake moreover as followeth. C

"I Cannot but present my self this day before Your Highness, and my "Lords, with much fear, with more grief; for I am compassed with so "many terrors from His Majesty, as I might well hide my head with "*Adam*. His Lordships (meaning *Buckingham*) displeasure wounds me "more, then the conscience of any these facts; yet had I rather die, then "the Commonwealth should so much as receive a scrach from me. I D "that in none of my actions feared that great man, on whom they (*viz.* "Sir *Edward Villers* and Sir *Giles Mompesson*) did depend, much less would "I fear them who were but his shadow. But my most Noble Lords know- "ing that my Lord of *Buckingham* was ever at His Majesties hand, ready "upon every occasion to hew me down, out of the honest fear of a Ser- "vant not to offend so gracious a Master as His Majesty hath ever been "to me, I did commit them (*videlicet*) the Silkmen.

And speaking concerning the Patent of Inns, he said, "I cannot E "herein but bemoan my unhappiness, that in the last cause laboring by "all lawful means to advance the honest profit of His Majesty; and in "this (with the sight almost of my own ruine) to preserve His Majesties "honor, and the quiet of the people, I am yet drawn in question, as if I "had equally dishonored His Majesty in both.

"When Sir *Giles* saw I would not be wooed to offend His Majesty in "his direction, I received a Message by Mr. *Emmerson*, sent me from Sir "*Giles*, That I would run my self upon the Rocks, and that I should not F "hold my place long, if I did thus withstand the Patent of Inns, or to "this effect. Soon after came Sir *Giles* himself, and like an Herauld at "Arms, told me to this effect, He had a Message to tell me from the "Lord of *Buckingham*, that I should not hold my place a moneth, if I "did not conform my self in better measure to the Patent of Inns; for

"my

19 Jacobi.

"my Lord had obtained it by his Favor, and would maintain it by his "Power: How could I but ſtartle at this Meſſage, for I ſaw here was a "great aſſuming of power to himſelf, to place, and diſplace an Officer; I "ſaw my ſelf caſt upon two main Rocks, either treacherouſly to forſake "the ſtanding His Majeſty had ſet me in, or elſe to indanger my ſelf by "a by blow, and ſo hazard my Fortune.

A "I humbly beſeech your Lordſhips: Nature will ſtruggle when ſhe "ſees her place and means of living thus aſſaulted; for now it was come "to this, Whither I would obey His Majeſty, or my Lord, if Sir *Giles* "ſpake true. Yet I reſolved in this to be as ſtubborn as *Mordecai*, not to "ſtoop or paſs thoſe gracious Bounds His Majeſty had preſcribed "me.

"Soon after I found the Meſſage in part made good; for all the pro-"fits almoſt of my place were diverted from me, and turned into an un-"uſual Channel, to one of my Lords Worthies, That I retained little B "more then the name of Attorney. It became ſo fatal and ſo penal, that "it became almoſt the loſs of a Suit to come to me. My place was but as "the ſeat of Winds and Tempeſts.

"Howbeit, I dare ſay if my Lord of *Buckingham* had but read the "Articles exhibited in this place againſt *Hugh Spencer*, and had known "the danger of placing and diſplacing Officers about a King, he would "not have purſued me with ſuch bitterneſs. But my oppoſing my Lord "in this Patent of Inns, in the Patent of Ale-houſes, in the Iriſh C "Cuſtoms, and in Sir *Robert Nantons* Deputation of his place in the Court "of Wards: Theſe have bin my overthrow, and for theſe I ſuffer at this day "in my Eſtate and Fortune (not meaning to ſay, I take it, but as I know) "and for my humble oppoſitions to his Lordſhip) above Twenty thouſand "pounds.

The King hearing of this Speech, commanded the Lord Treaſurer to acquaint the Houſe of Lords, That he underſtood that *Yelverton* being D called before them the other day as a Delinquent, anſwered not as a Delinquent, but as a Judge, or accuſer of a Member of that Houſe the Lord of *Buckingham*; ſaying, He ſuffered for the Patent of Inns, or to that effect: That he was ſo far from excuſing or extenuating of his Offence the laſt day here, that he hath aggravated the ſame. Wherefore His Majeſties pleaſure is, That himſelf will be judge of what concerns His Majeſty; for that which concerns the Lord of *Buckingham*, his Lordſhip hath beſought His Majeſty that that might be left to the Houſe, and E ſo His Majeſty leaves that wholly to their Lordſhips.

The Lords made an humble Return to His Majeſty, That foraſmuch as he was once pleaſed to make their Houſe Judge of thoſe words formerly ſpoken by Sir *Henry Yelverton*, which touched His Majeſties Honor, that His Majeſty will be pleaſed not to reſume the ſame out of their hands, but ſo far to tender the Priviledges of their Houſe, as to continue his firſt reſolution, which afterwards the King condeſcended unto.

The Lords firſt examining *Emerſon* (who varied in the matter he F was examined about) proceeded to Sentence Sir *Henry Yelverton*, not upon the Charge exhibited againſt him by the Commons, but for the words ſpoken by the by; and declared, That the ſaid Sir *Henry Yelverton* for his Speeches uttered here in the Court, which do touch the Kings Majeſty his Honor, ſhall be fined to the King in Ten thouſand Marks, be impriſoned during the Kings pleaſure, and make a Submiſſion unto His Majeſty. And

An. 1621.

for the ſcandal committed in theſe words of his againſt the Lord Marqueſs of *Buckingham*, That he ſhould pay him Five thouſand Marks, and make his Submiſſion.

As ſoon as the Judgment was pronounced againſt him, the Lord Marqueſs of *Buckingham* ſtood up, and did freely remit him the ſaid Five thouſand marks; for which Sir *Henry* humbly thanked his Lordſhip, and the Houſe of Peers agreed to move His Majeſty to mitigate Sir *Henry Yelvertons* Fine, and the Prince his Highneſs offered to move His Majeſty therein; which accordingly was done, and Sir *Henry* was ſet at liberty, the Duke reconciled to him; he afterwards preferred to be a Judge, and was eſteemed a man *Valde eruditus in Lege*.

Gondomar reviled and aſſaulted in *London* ſtreets.

But the Treaties with the Emperor and the King of *Spain* were much diſreliſhed; *Gondomar* had raiſed the peoples fury, and was reviled and aſſaulted in *London* ſtreets: Whereupon the day following the Privy Council commanded the Recorder of *London* to be careful in the ſtrict Examination of an Inſolent and Barbarous affront offered to the Spaniſh Ambaſſador, and his people, for which the King would have exemplary Juſtice done. And foraſmuch as His Majeſty was informed that there was a fellow already apprehended, though not for caſting ſtones or threatning the Ambaſſadors perſon, as ſome are ſaid to have done; yet for uſing railing ſpeeches againſt him, calling him *Divel*, or words to that purpoſe, it was His Majeſties pleaſure that that fellow without any further delay, on the morrow in the forenoon, be publickly and ſharply whipt thorow *London*, beginning at *Algate*, and ſo through the ſtreets, along by the place where the affront was offered, towards Fleetſtreet, and ſo to Temple-Bar, without any manner of favor.

The people were enraged at *Gondomar*, through a perſwaſion that he abuſed the King and State to advance the deſigns of *Spain*.

Sir *Rob. Manſel* ſent into the *Mediterranean* Sea.

By means of his power with the King, he had tranſported Ordinance and other warlike Proviſions to furniſh the Spaniſh Arſenals; and it was believed that he underhand wrought the ſending of Sir *Rob. Manſel* into the *Mediterranean* Sea, to fall upon the Pirates of *Algier*. The Merchants of this Kingdom by them much infeſted, being alſo induced to move for this Expedition, wherein the Engliſh fleet performed gallantly, and advancing within the reach of Cannon and ſmall ſhot, which from the Land ſhowred like Hail upon them, fired the Pirates ſhips within their own Harbor. Nevertheleſs hereby our Strength was diverted, our Treaſure exhauſted, and the Spaniſh fleet and Merchants ſecured from thoſe Robbers, and *Spain* left at liberty to aſſiſt in ſubduing the *Palatinate*.

In the mean while our Kings Affairs in *Germany*, notwithſtanding the many Complaints, grew more and more deſperate.

The Emperor calls in queſtion the Authors of the Commotions in *Bohemia*.

In *Bohemia* the Emperor having well nigh ſubdued and ſetled the Country, proceeded to the Tryal and Execution of the Authors of the late Commotions; ſome were condemned to perpetual impriſonment, and others to death; and the Heads of many eminent perſons were fixt on the Towers in *Prague*, and their bodies quartered. After this the Emperor began both in *Auſtria* and *Hungaria* to impriſon divers that aſſiſted the *Bohemians*, and cauſed Proces to be made againſt them. The Marqueſs of *Jagerndorfe* who ſtirred in the County of *Glatsburgh*, and raiſed forces by Commiſſion from the Elector *Palatine*, publiſhed Letters againſt the Executions in *Bohemia*, as cruel and barbarous.

The Emperor put forth an Anſwer, and ſaid, That the Marqueſs publiſhed thoſe things maliciouſly; foraſmuch as in *Bohemia* was the Original

nal ſedition, and the head that infected the members: That ſome few perſons, Authors of the troubles, not in hatred of their Religion, but for their Rebellion, have been puniſhed by the hand of Juſtice. And he declared further, That the like exemplary Juſtice ſhould not be done in other places, but that the Articles of the Peace ſhould be obſerved.

By this time the Parliament having ſate about four moneths, King *James* was deſirous to give them a time of vacancie. The Lord Treaſurer by the Kings command declared unto the Houſes, That his Majeſty by the advice of his Privy Council thought fit to adjourn the Parliament, leſt the ſeaſon of the year, by the continual concourſe of people, ſhould cauſe Infection. Alſo, that the Lieutenans and Juſtices might be in the Country; And the Adjournment keeping the Parliament ſtill in being, was better then Proroguing. That his Majeſty had already redreſſed corruption in Courts of Juſtice, and by his Proclamation called in the Patents of Inns, of Oſteries, and of Gold and Silver-Thread, and cheriſhed the Bill againſt Informers and Monopolies.

The King intends to adjourn the Parliament.

The Commons were troubled at this Meſſage, and deſired a Conference with the Lords, and moved them to petition the King to forbear the Adjournment. The King takes notice of it; and the Treaſurer acquainted the Lords, that a Petition of this nature could not be pleaſing to his Majeſty, it ſeeming to derogate from his Prerogative, who alone hath power to call, adjourn, and determine Parliaments. The Commons, at a further Conference, declared their hearty ſorrow and paſſionate grief at the Kings reſolution; which they ſaid cut off the performance of what they had conſulted, and promiſed for the Publique weal.

The Commons take it not well.

The Lords ſitting in their Robes, the King came and made a Speech, takes notice of his Meſſage to both Houſes, and gave their Lordſhips thanks for obeying the ſame, and acknowledging his power to call, adjourn, and diſſolve Parliaments, and for refuſing to join with the Commons in the Petition for Non-adjournment. And whereas ſome had given out, that no good had been done this Parliament; He put them in mind, that the two Patents grievous to the Commonwealth were called in, and that the Parliament had cenſured the Offenders for an example to all ages. And if they deſired it, he offered them eight or ten days longer ſitting to expedite Bills; but ſaid, that at the requeſt of the Commons he would not grant it. The Lords had a Conference with the Commons; after which they moved the King to continue their ſitting for fourteen days, which was granted, and the Commons were ſatisfied with the reſolution of Adjournment.

A Committee of both Houſes afterwards attending the King, he told them how ill he took it, that the Commons ſhould diſpute his reaſons of Adjournment; all power being in him alone to call, adjourn, prorogue, and diſſolve Parliaments. And on *June* 4. he declared for an Adjournment till *November* following; And that he will in the mean time of his own authority redreſs Grievances. And his Majeſty as General Biſhop of the Land, did offer his prayers to God for both the Houſes; and admoniſhed them, That when they go into the Country, they give his people a good accompt and ſatisfaction both as to the Proceedings, and to the Adjournment of the Parliament.

The King reſents it.

The Houſe of Commons immediately before their receſs, taking to heart the miſeries of the *Palatinate*, reſolved that the drawing back in ſo good a Cauſe ſhould not be charged on their ſlackneſs; And thereupon drew up this following Declaration with an univerſal conſent.

An. 1621.

The Commons Declaration touching the *Palatinate*.

The Commons assembled in Parliament taking into most serious consideration the present state of the Kings Children abroad, and the generally afflicted estate of the true Professors of the same Christian Religion professed by the Church of England, in Forreign parts; And being touched with a true sense and fellow-feeling of their distresses, as Members of the same Body, do with unanimous consent in the name of themselves, and the whole body of the Kingdom (whom they represent) declare unto his most excellent Majesty, and to the whole World, their hearty grief and sorrow for the same; and do not only join with them in their humble and devout prayers unto Almighty God to protect his true Church, and to avert the dangers now threatned, but also with one heart and voice do solemnly protest, That if his Majesties pious endeavors by Treaty, to procure their peace and safety, shall not take that good effect which is desired in Treaty, (Wherefore they humbly beseech his Majesty not to suffer any longer delay) That then upon signification of his Majesties pleasure in Parliament, they shall be ready to the utmost of their powers, both with their lives and fortunes to assist him so, as that by the Divine help of Almighty God (which is never wanting unto those who in his fear shall undertake the Defence of his own Cause) he may be able to do that with his sword, which by a peaceable course shall not be effected.

A B

The King by Proclamation reforms the late grievances handled in Parliament.

After the recess of Parliament, the King by Proclamation declared his Grace to his Subjects in matters of Publique Grievance: And taking notice that many great affairs debated in Parliament could not be brought to perfection in so short a time, And that the Commons thought it convenient to continue the same Session in course of Adjournment; And withall observing that divers of those Particulars required a speedy determination and settlement for his peoples good, and that they are of that condition and quality, as that he needeth not the assistance of Parliament to reform the same, and would have reformed them before the Parliament, if the true state of his Subjects Grievances had been made known unto him; He hath determined, and doth declare an immediate redress therein by his own Regal authority, as in the business of Informers, of Miscarriages of Ministers in Chancery, of the Patents for Gold and Silver-Thread, for Licensing Pedlers and Petty-Chapmen, for the sole Dressing of Arms, for the Exportation of Lists and Shreds, and for the sole making of Tobacco-pipes, Cards, and the like. And besides the redress of these Grievances, he will enlarge his grace unto other kindes for the Subjects ease; And that both his own, and the ears of his Privy-Council shall be open to his Peoples modest and just Complaints.

C D E

Puts forth another Proclamation against Talking of State-affairs.

Moreover, a second Proclamation was issued forth against Excess of Licentious speech touching State-affairs: For notwithstanding the strictness of the Kings former Command, the Peoples inordinate liberty of unreverend speech increased daily. Wherefore the King threatned severity as well against the Concealers of such Discourses, as against the boldness of Audacious Tongues and Pens.

F

The King is sollicited from *Spain* to enlarge his favors towards Catholicks.

On the Tenth of *July*, *John Williams* Doctor of Divinity, and Dean of *Westminster*, was sworne Keeper of the Great Seal of *England*.

The King was plyed from *Spain* and *Rome*, to enlarge his favors to Popish Recusants: For, reports were then brought to *Rome*, That the Catholicks of *England*, *Scotland*, and *Ireland* were cruelly used. And besides

19 *Jacobi.*

ſides this there went a rumor, that King *James* in a Speech in Parliament had declared, That notwithſtanding the Marriage with *Spain*, the Engliſh Catholicks ſhould not be one jot in better condition. But the King ſaid no more then this, "That if any of that party did grow inſolent, let his "People count him unworthy to reign, if he gave not extraordinary pu- "niſhment. Thus was the King entangled in the ways which he had choſen: For it was not poſſible for him at once to pleaſe his People, and
A to ſatisfie his Foreign Intereſts.

The chief heads of the Lord *Digby's* Embaſſie to the Emperor.

About the ſame time the Lord *Digby*, who was ſent Ambaſſador to the Emperor, had Audience at *Vienna*. The principal heads of his Embaſſie were theſe. *That the Elector* Palatine, *and the Children of the King of* Great Britain *his Maſter, might be received into the Emperors favor, and reſtored to all their Hereditary Goods, and the Prince Elector himſelf to the Title which he enjoyed before the troubles of* Bohemia: *That the Ban Imperial publiſhed againſt him ſhould be revoked, and the execution thereof ſuſpended;*
B *which being done, the King of* Great Britain *will undertake that the* Palatine *ſhall render due obedience to his Imperial Majeſty, and ſubmit to Conditions meet and honeſt.*

The Emperors Reply to thoſe Demands.

To theſe Demands he received Anſwer, "That the Emperor had a "very good will to gratifie the King of *Great Britain*, and thoſe other "Kings and Princes that had made the ſame requeſt for the *Palatine*: But "he could not grant it, becauſe the *Palatine* to this hour uſeth the Coun- "ſels of many of the Electors and Princes, in oppoſition to the Emperor;
C "And when the Emperor had agreed to a Ceſſation of Arms, according "to the deſires of the King of *Great Britain*, and had ordered the ſuſpend- "ing of all Hoſtility in the *Lower Palatinate*, at the ſame time the *Palatine* "gave Commiſſion to raiſe Forces and do acts of Hoſtility, which was "put in execution by Count *Mansfeld* and Marquis *Jagerndorf*, to begin "new troubles in *Bohemia*, *Sileſia*, and *Moravia*. Nevertheleſs the Empe- "ror having appointed an Aſſembly to meet at *Ratiſbone*, will there make
D "known the deſires of the King of *Great Britain*, who ſhall know what "Reſolution is there taken concerning the *Palatine*.

The L. *Digby's* ſecond Propoſal to the Emperor.

Albert Archduke of *Flanders*, at the requeſt of King *James*, had made interceſſion for the *Palſgrave*. After his deceaſe, the Archdutcheſs his wife continued the ſame mediation by Letters to the Emperor. And withall, the Kings Ambaſſador further propoſed theſe Conditions for a Ceſſation of Arms, and a Suſpenſion of the Ban Imperial; That *Mansfeld* and *Jagerndorf* ſhall obſerve the Agreement, otherwiſe the Prince *Palatine* ſhall revoke their Commiſſions, and declare them his Enemies,
E and that their Garriſons in *Bohemia* ſhall be rendred to the Emperor.

The Emperors Anſwer.

The Emperor anſwered the Archdutcheſs, That the Archduke her husband in his life-time had exceedingly recommended the Interpoſition of the King of *Great Britain*, and the great prudence of that King in not approving the Actions of the *Palatine*: Which Recommendation, as to a Treaty and Ceſſation of Arms, he ſhall entertain, and conſult thereupon with the Deputies of the Electors and Princes of the Empire.

The Engliſh Ambaſſador goes to the Duke of *Bavaria*.

The Engliſh Ambaſſador departed from *Vienna* to the Duke of *Bavaria*, who had then entred the *Upper Palatinate*, and had publiſhed
F the Emperors Declaration againſt *Mansfeld* and his Adherents, and exhorted the States and Princes there to execute the ſame; and the rather, for that he had not heard of any King, Elector, Prince or State, no not ſo much as the King of *Great Britain*, that had approved the ſeditious Revolt of the *Bohemians*, except ſome few States and Princes who for

intereſt

An. 1621. intereſt did countenance the ſame. The Ambaſſador found the *Bavarian* acting hoſtility and committing great ſpoils in the Country, and reſolving to reject all Propoſitions of Peace or Ceſſation. Nor could the Emperor agree upon any Truce without the Duke of *Bavaria*: Firſt in reſpect of his agreement neither to make War or Peace without the conſent of the ſaid Duke; which happened, becauſe upon the former Truce made with the Archduke, the Soldiers that were in the *Lower Palatinate*, and wanted employment, came up into the *Higher Palatinate* to Count *Mansfeld*, and much infeſted the Duke of *Bavaria*. Secondly, in regard the Duke of *Bavaria* had a great part of *Auſtria* in pledge for his ſatisfaction. Thirdly, becauſe the Emperor was barred from all other paſſages but through *Bavaria*, by *Bethlem Gabor*, *Fagerndorf*, and *Budiani*. And the Duke, upon receipt of the Emperors Letter touching the Truce, ſent the Lord *Digby* a deriding Anſwer; *That there was no need to labor for a Truce, for the Wars were at an end, in that he agreed with Count* Mansfeld; *nor did he doubt of keeping both* Palatinates *in peace, till the Emperor and* Palſgrave *were agreed.* So the King received but a ſlender return of the Lord *Digby's* Embaſſie to the Emperor for the reſtoring of the Elector *Palatine*. But the Emperors full meaning in the buſineſs may be found at large in his own Letter to *Don Baltazar de Zuniga*, a prime Councellor of State in *Spain*, to be by him repreſented to the King his Maſter, to this effect.

The Emperors Letter to *Don Baltazar de Zuniga.*

THat beholding the admirable providence of God over him, he is bound to uſe that moſt notable Victory to the honor of God, and the extirpation of all Seditions and Factions, which are nouriſhed chiefly among the Calviniſts; *leſt that Judgment which the Prophet threatned the King of Iſrael ſhould fall upon him*; Becauſe thou haſt diſmiſſed a man worthy of death, thy ſoul ſhall be for his ſoul. *The* Palatine *keeps now in* Holland, *not only exiled from the Kingdom which he raſhly attempted, but deſpoiled almoſt of all his own Territories, expecting as it were the laſt caſt of Fortune: whom if by an impious kind of commiſeration, and his ſubtile petitioning, he ſhall be perſwaded to reſtore, and nouriſh in his boſom as a trodden half-living ſnake, what can he expect leſs then a deadly ſting from him, who in regard of his guilt can never be faithful, but will alway gape for occaſions to free himſelf from his fears, and the genius of whoſe ſect will make him an Enemy, or an unſound Friend, to the Houſe of* Auſtria, *and all other Catholick Princes.*

Wherefore firmly caſting in his minde, that the Palatine *cannot be reſtored, He hath freely offered the* Electorate *to the Duke of* Bavaria, *a moſt eager Defender of the Catholick cauſe; by which means the Empire will always remain in the hand of Catholicks, and ſo by conſequence in the Houſe of* Auſtria: *And in ſo doing he ſhall take away all hope from the* Palatine, *and thoſe that ſollicite ſo importunately for his reſtitution; And it is to be hoped that the* Lutheran *Princes, eſpecially the Duke of* Saxony, *will not ſo far diſallow this tranſlation as to take up Arms, ſeeing* Charls *the Fifth upon a far lighter cauſe deprived* John Frederick *Duke of* Saxony *of the* Electorate, *and conferred it on* Maurice *this Dukes great Uncle: Beſides, no leſs is the* Lutherans *hatred of the* Calviniſts, *then of the Catholicks.*

Such were the effects which the Kings Treating had wrought with the Emperor.

The Parliament that was to meet *November* the Fourteenth, the King by Proclamation adjourned to the Eighth of *February*, and expreſſed the cauſe to be the unſeaſonableneſs of the time of the year. But this long

long *Receſs* was ſhortned, and the King declared, That upon Important Reaſons he had altered his former Reſolutions, and did adjourn it for no longer time then from the Fourteenth to the Twentieth of this inſtant *November*. 19 *Jacobi.*

Upon which day it Reaſſembled, and the King being abſent by reaſon of his indiſpoſition in health, commanded a Meſſage to be delivered to both Houſes, by the Lord Keeper, the Lord *Digby*, and the Lord Treaſurer. The Parliament begins again, *Nov.* 20.

In the firſt place he acquainted the Two Houſes with His Majeſties indiſpoſition of health, which was the occaſion of his abſence at the opening of the Parliament, yet he could not ſay he was abſent, ſo long as he was repreſented by a Son, who was as dear to the Kingdom as to His Majeſty. As to the occaſion of calling the Parliament by way of *Antecedent*, he took notice of ſeveral effects of His Majeſties gracious care over the Nation, ſince the laſt *Receſs* of the Parliament in His Majeſties anſwering ſeveral Petitions concerning Trade, Importation of Bullion, Conſervation of Coyn in the Land, and prohibiting the Tranſportation of Iron Ordinance; and that His Majeſty by His Proclamation reformed Thirty ſix or thirty ſeven ſeveral matters complained of as Publick Grievances, all of them without the leaſt Trucking or Merchandiſing with the People, a thing uſual in former times. He further ſaid, That His Majeſty did principally fix the occaſion of the calling a Parliament upon the Declaration Recorded, and divulged far and near by the Repreſentative Communalty of this Kingdom, to aſſiſt His Majeſty to carry on the War to recover the *Palatinate*; yet withal his Lordſhip gave an account how His Majeſty was ſince the laſt Parliament, encouraged to travel a little longer in his pious endeavors to procure a peace by way of Treaty, and that the Lord *Digby* was ſent Ambaſſador upon that occaſion, and ſince returned, but not with ſuch ſucceſs as was to be hoped for. He minded both Houſes of one Heroical Act of His Majeſties ſince the laſt Parliament, in the advancement of Forty thouſand pounds to keep together a Body of an Army in the Lower *Palatinate*, which otherwiſe had been diſſolved before this Parliament could be aſſembled: And that unleſs the Parliament take further reſolution, and imitate rather Ancient then Modern principles, and be expeditious in what they do, the Army in the *Palatinate* will fall to the ground. And laſtly, Told them that His Majeſty did reſolve that this Parliament ſhould continue till ſeven or eight days before the Feſtivals, and to be renewed again the eighth of *Febru[illegible]* to continue for the Enacting of Laws and Perioding of things of Reformation, as long as the neceſſity of the State ſhall require the ſame. The Subſtance of the Lord Keepers Speech.

After the *Lord Keeper* had done, the Lord *Digby* (having received a Command from His Majeſty to that purpoſe) gave a brief account of his Negotiation with the Archduke about the Treaty of Peace; how the Archduke conſented thereunto, and writ accordingly to the Emperor and the King of *Spain* of his proceedings; who alſo writ to *Spinola* for a Ceſſation of Arms, the Archduke having the Command of the Spaniſh forces in *Germany*; but the Duke of *Bavaria* would not conſent thereunto; and the Lord *Digby* informed the two Houſes, that by the carriage of the Duke of *Bavaria*, and by other circumſtances, he did evidently diſcover, That from the beginning that Duke affected to get unto himſelf the *Palatinate*, and the Title of Elector. He further declared, That if Lord *Digby*'s Speech.

Count

An. 1621.

Count *Mansfield* was not speedily supplied, he could not keep his Army together. Then he gave an account, how bravely Sir *Horatio Vere* had behaved himself in the *Palatinate*, and that by his wisdom and valor, there was kept from the enemy, *Heidelburg*, *Mainheim*, and *Frankendale*; the last of which places had then endured a moneths siege. He also spoke Honorably of Capt. *Burroughs*, and concluded, That the fittest Redress was to furnish and keep up the Army already there; which must be done by supplies of Money, and more Forces must be prepared against the next Spring, that we may have there an Army of our own for the strengthning of the *Palatinate*, and encouragement of the Princes of the Union.

Lord Treasurer's Speech.

Then the *Lord Treasurer* spake, and acquainted both Houses; how empty the Kings Coffers were, and how he had assisted the *Palatine*, and Princes of the Union, with great sums which had exhausted his Treasure, and that His Majesty was much in debt.

Nevertheless, though the King declared for War, he pursued Peace, and resolved to close with *Spain*, hoping to heal the Breach by that Alliance. The House of Commons before they granted Subsides, resolved to try the Kings Spirit by this *Petition* and *Remonstrance*, which laid open the distempers of those times, with their causes and cures.

Most Gratious and Dread Soveraign,

The *Commons* Petition and Remonstrance to the King.

WE Your Majesties most humble and Loyal Subjects, the Knights, Citizens, and Burgesses, now Assembled in Parliament, who represent the Commons of Your Realm, full of hearty sorrow, to be deprived of the Comfort of Your Royal Presence, the rather for that it proceeds from the want of Your health; wherein we all unfeignedly do suffer; In all humble manner calling to minde Your Gracious Answer to our former Petition concerning Religion, which notwithstanding Your Majesties Pious and Princely intentions, hath not produced that good effect, which the danger of these times doth seem to us to require: And finding how ill Your Majesties goodness hath been requited by Princes of different Religion, who even in time of Treaty have taken opportunity to advance their own ends, tending to the subversion of Religion, and disadvantage of Your Affairs, and the Estate of Your Children: By reason whereof, Your ill affected Subjects at home, the Popish Recusants, have taken too much encouragement, and are dangerously increased in their number, and in their insolencies. We cannot but be sensible thereof, and therefore humbly represent what we conceive to be the causes of so great and growing Mischiefs, and what be the Remedies.

I. The Vigilancy and Ambition of the Pope of Rome, and his deatest Son, the one aiming at as large a Temporal Monarchy, as the other at a Spiritual Supremacy.

II. The Devillish Positions and Doctrines, whereon Popery is built and taught with Authority to their Followers, for advancement of their Temporal ends.

III. The distressed and miserable estate of the Professors of true Religion in Foreign parts.

IV. The Dilasterous accidents to Your Majesties Children abroad, expected with rejoycing, and even with contempt of their persons.

V. The

19 *Jacobi.*

V. The strange Confederacy of the Princes of the Popish Religion, aiming mainly at the advancement of theirs, and subverting of ours, and taking the advantages conducing to that end upon all occasions.

VI. The great and many [illegible]ies raised, and maintained at the charge of the King of Spain, the cover of that League.

VII. The expectation of the Popish Recusants of the Match with Spain, and feeding themselves with great hopes of the consequences thereof.

VIII. The interposing of Forein Princes and their Agents, in the behalf of Popish Recusants, for connivance and favor unto them.

IX. Their open and usual resort to the Houses; and which is worse, to the Chappels of Foreign Ambassadors.

X. Their more then usual concourse to the City, and their frequent Conventicles and Conferences there.

XI. The education of their Children in many several Seminaries and Houses of their Religion in Forein parts, appropriated to the English Fugitives.

XII. The Grants of their just Forfeitures intended by Your Majesty as a Reward of Service to the Grantees; but beyond Your Majesties intention, transferred or compounded for, at such mean rates, as will amount to little less then a Toleration.

XIII. The Licentious Printing and dispersing of Popish and Seditious Books, even in the time of Parliament.

XIV. The swarms of Priests and Jesuits, the Common Incendiaries of all Christendom, dispersed in all parts of your Kingdom.

And from these causes as bitter Roots, we humbly offer to Your Majesty, That we foresee and fear there will necessarily follow very dangerous effects, both to Church and State. For,

I. The Popish Religion is incompatible with ours, in respect of their Positions.

II. It draweth with it an unavoidable dependency on Forein Princes.

III. It openeth too wide a gap for Popularity, to any who shall draw too great a party.

IV. It hath a restless spirit, and will stride by these Gradations; if it once get but a connivancy, it will press for a Toleration; if that should be obtained, they must have an equality; from thence they will aspire to Superiority, and will never rest till they get a Subversion of the true Religion.

The Remedies against these growing Evils, which in all humility we offer unto Your most Excellent Majesty, are these.

I. That laying this inevitable necessity is laid upon Your Majesty, which no Wisdom or Providence of a peaceable and pious King can avoid, Your Majesty would not omit this just occasion, speedily and carefully to take Your Sword into Your hand.

II. That once undertaken upon so honorable and just grounds, Your Majesty would resolve to pursue, and more publickly avow the aiding of those of our Religion in Forein parts, which doubtless would reunite the Princes and States of the Union, by these blasters disheartned and disbanded.

An. 1621.

III. That Your Majesty would propose to Your Self to manage this War with the best advantage, by a diversion or otherwise, as in Your deep judgment shall be found fittest, and not to rest upon a War in these parts onely, which will consume Your Treasure, and discourage Your People.

IV. That the bent of this [illegible] and point of Your Sword, may be against that Prince (whatsoever opinion of potency he hath) whose Armies and Treasures have first diverted, and since maintained the War in the Palatinate. A

V. That for securing of our Peace at home, Your Majesty will be pleased to review the parts of our Petition formerly delivered unto Your Majesty, and hereunto annexed, and to put in execution by the care of choice Commissioners to be thereunto especially appointed, the Laws already, and hereafter to be made for prevenring of dangers by Popish Recusants, and their wonted evasions.

VI. That to frustrate their hopes for a future age, our most Noble Prince may be timely and happily married to one of our own Religion. B

VII. That the Children of the Nobility and Gentry of this Kingdom, and of others ill affected and suspected in their Religion, now beyond the Seas, may be forthwith called home by your means, and at the charge of their Parents or Governors.

VIII. That the Children of Popish Recusants, or such whose Wives are Popish Recusants, be brought up during their Minority C with Protestant Schoolmasters and Teachers, who may sow in their tender years the Seeds of true Religion.

IX. That Your Majesty will be pleased speedily to revoke all former Licences for such Children and Youth to travel beyond the Seas, and not grant any such Licence hereafter.

X. That Your Majesties Learned Council may receive Commandment from Your Highness, carefully to look into former Grants of Recusants Lands, and to avoid them, if by Law they can; and D that Your Majesty will stay Your Hand from passing any such Grants hereafter.

This is the sum and effect of our humble Declaration, which we (no ways intending to press upon Your Majesties undoubted and Regal Prerogative) do with the fulness of our Duty and Obedience, humbly submit to Your most Princely consideration: The glory of God whose cause it is; the zeal of our true Religion, in which we have been born, and wherein (by Gods grace) we are resolved to die; the safety of Your E Majesties person, who is the very life of Your people; the happiness of Your Children and Posterity; the honor and good of the Church and State dearer unto us then our own lives, having kindled these affections truly devoted to Your Majesty.

And fesing out of our duty to Your Majesty we have already resolved to give at the end of this Session, one intire Subsidy, for the present relief of the Palatinate onely, to be paid in the end of Febru[illegible] next, which cannot well be effected but by passing a Bill in a Par[illegible]mentary course before Christmas; We most humbly beseech Your Majesty (as our assured hope is) that You will then also vouchsafe to give life by Your Royal Assent to such Bills as before that time shall be prepared for Your Majesties honor, and the general good of Your people: And that such Bills may be also accompanied (as hath been

accustomed)

accustomed) with Your Majesties Gracious Pardon, (which proceeding from Your own inner Grace, may by Your Highness direction be drawn to that Latitude, and Extent, as may best sort with Your Majesties bounty and goodness. And that not onely Felons and Criminal Offenders may take benefit thereof, but that Your good Subjects may receive ease thereby. And if it shall so stand with Your good pleasure, That it may extend to the relief of the old Debts and Duties to the Crown before the First year of Your Majesties Reign, to the discharge of Alienations without Licence, and misuing of Liberties, and Oustre le Maine before the first Summons of this Parliament, and of concealed Wardships, and not suing of Liberties, and Oustre le Maines before the Twelfth year of Your Majesties Reign. Which gratious Favor would much comfort Your good Subjects, and ease them from veration, with little loss or prejudice to Your own profit. 19 *Jacobi.*

And we by our daily and devout Prayers to the Almighty, the Great King of Kings, shall contend for a blessing upon our endeavors; and for Your Majesties long and happy Reign over us; and for Your Childrens Children after You for many and many Generations.

The House had sufficient cause to set forth the danger of true Religion, and the Miseries of the Professors thereof in Foreign parts; when besides the great wound made in *Germany*, and the cruelties of the prevailing House of *Austria*, the Protestants in *France* were almost ruined by *Lewis* the Thirteenth, being besieged at once in several places, as in *Montauban* by the King, and in *Rochel* by Count *Soysons*, and the Duke of *Guise*: And for their relief, the King of *England* prevailed nothing by sending of Sir *Edward Herbert*, since Baron of *Cherbury*, and after him the Viscount *Doncaster*, Ambassador for Mediation. At this time the *Protestants* are ill treated in *France*.

The King having Intelligence of the former *Remonstrance*, wrote this Letter to the Speaker.

To Our Trusty and Welbeloved Sir *Thomas Richardson* Knight, Speaker of the House of COMMONS.

Mr. Speaker,

WE have heard by divers Reports, to our great grief, That our distance from the Houses of Parliament, caused by our indisposition of health, hath imboldned the fiery and popular Spirits of some of the House of Commons, to argue and debate publickly of the matters far above their reach and capacity, tending to our high dishonor, and breach of Prerogative Royal. These are therefore to command you to make known in our Name unto the House, That none therein shall presume henceforth to meddle with any thing concerning our Government, or deep matters of State, and namely not to deal with our dearest Sons Match with the Daughter of Spain, *nor to touch the honor of that King, or any other our Friends and Confederates: And also not to meddle with any mans particulars, which have their due motion in our ordinary Courts of Justice. And whereas we hear they have sent a Message to Sir* Edwin Sandis, *to know the reasons of his late restraint, you shall in our Name resolve them,* The Kings Letter to Sir *Tho. Richardson.*

An. 1621.

That it was not for any misdemeanor of his in Parliament; but to put them out of doubt of any question of that nature that may arise among them hereafter, you shall resolve them in our Name, That we think our self very free and able to punish any mans misdemeanors in Parliament, as well during their sitting as after: Which we mean not to spare hereafter, upon any occasion of any mans insolent behavior there that shall be ministred unto us: And if they have already touched any of these points, which we have forbidden, in any Petition of theirs which is to be sent unto us, it is our pleasure that you shall tell them, That except they reform it before it come to our hands, we will not deign the hearing nor answering of it.

Dated at New-Market, 3 Dec. 1621.

Hereupon they drew up another Petition, which they sent accompanied with the former *Remonstrance*.

The *Commons* send the *Remonstrance* accompanied with another *Petition.*

Most Dread and Gratious Soveraign,

WE your most humble and loyal Subjects, the Knights, Citizens, and Burgesses, Assembled in the Commons House of Parliament, full of grief, and unspeakable sorrow, through the true sense of your Majesties displeasure, expressed by your Letter lately sent to our Speaker, and by him related and read unto us: Yet comforted again with the assurance of your grace and goodness, and of the sincerity of our own intentions and proceedings, whereon with confidence we can relie, In all humbleness beseech your most Excellent Majesty, that the loyalty and dutifulness of as faithful and loving Subjects as ever served, or lived under a gratious Soveraign, may not undeservedly suffer by the mis-information of partial and uncertain Reports, which are ever unfaithful Intelligencers: But that your Majesty would in the clearness of your own Judgment, first vouchsafe to understand from our selves, and not from others, what our humble Declaration and Petition (resolved upon by the Universal voice of the House, and proposed with your gratious Favor to be presented unto your Sacred Majesty) doth contain. Upon what occasion we entred into consideration of those things which are therein contained, with what dutiful respect to your Majesty, and your service, we did consider thereof, and what was our true intention thereby. And that when your Majesty shall thereby truly discern our dutiful affections, you will in your Royal Judgment free us from those heavy charges wherewith some of our Members are burthened, and wherein the whole House is involved.

And we humbly beseech your Majesty, that you will not hereafter give credit to private Reports, against all or any of the Members of our House, whom the whole have not censured, until your Majesty have been truly informed thereof from our selves: And that in the mean time, and ever, we may stand upright in your Majesties grace and good opinion, than which, no worldly consideration is, or can be dearer unto us.

When your Majesty had Reassembled us in Parliament by your Royal Commandment, sooner then we expected, and did vouchsafe by the mouths of three honorable Lords, to impart unto us the weighty occasions moving your Majesty thereunto; and from them we did understand these particulars,

That

That notwithstanding your Princely and pious endeavors to procure peace, the time is now come that Janus Temple must be opened. 19 Jacobi.

That the voice of Bellona must be heard, and not the voice of the Turtle.

That there was no hope of peace, nor any truce to be obtained, no not for a few days.

That your Majesty must either abandon your own Children, or engage your self in a War, wherein consideration is to be had, what Foot, what Horse, what Money will be sufficient.

That the Lower Palatinate was seised upon by the Army of the King of Spain, as Executor of the Ban there in quality of Duke of Burgundy, as the Upper Palatinate was by the Duke of Bavaria.

That the King of Spain at his own charge, had now at least five Armies on foot.

That the Princes of the Union were disbanded, but the Catholick League remained firm, whereby those Princes so dismembered, were in danger one by one to be ruined.

That the estate of those of the Religion in Foreign parts was miserable; and, that out of these considerations we were called to a War, and forthwith to advise for a supply for keeping the forces in the Palatinate from disbanding, and to foresee the means for raising and maintaining the Body of an Army for the War against the Spring. We therefore out of our zeal to your Majesty and your Posterity, with more alacrity and celerity than ever was precedented in Parliament, did Address our selves to the service commended unto us. And although we cannot conceive, That the honor and safety of your Majesty and your Posterity, the Patrimony of your Children inbaded, and possessed by their enemies, the welfare of Religion, and State of your Kingdom, are matters at any time unfit for our deepest consideration in time of Parliament; And though before this time we were in some of these points silent, yet being now invited thereunto, and led on by so just an occasion, we thought it our duties to provide for the present supply thereof, and not onely to turn our eyes on a War abroad, but to take care for the securing of our peace at home, which the dangerous increase and insolency of Popish Recusants apparently, visibly, and sensibly, did lead us unto. The consideration whereof did necessarily draw us truly to represent unto your Majesty, what we conceive to be the causes, what we feared would be the effects, and what we hoped might be the remedies of these growing Evils; among which, as incident and unavoidable, we fell upon some things which seem to touch upon the King of Spain, as they have relation to Popish Recusants at home, to the Wars by him maintained in the Palatinate against your Majesties Children, and to his several Armies now on foot, yet as we conceived without touch of dishonor to that King, or any other Prince your Majesties Confederate.

In the Discourse whereof, we did not assume to our selves any power to determine of any part thereof, nor intend to incroach or intrude upon the Sacred Bounds of Your Royal Authority, to whom, and to whom onely, we acknowledge it doth belong to resolve of Peace, and War, and of the Marriage of the most Noble Prince your Son: But as your most loyal and humble Subjects and Servants, representing the whole Commons of your Kingdom (who have a large Interest in the happy and prosperous estate of your Majesty, and your

Royal

An. 1621.

Royal Poſterity, and of the flouriſhing eſtate of our Church and Commonwealth) did reſolve out of our Cares and Fears, truly and plainly to demonſtrate theſe things to your Majeſty, which we were not aſſured could otherwiſe come ſo fully and clearly to your knowledge; and that being done, to lay the ſame down at your Majeſties feet, without expectation of any other Anſwer of your Majeſty touching theſe higher points, then what at your good pleaſure, and in your own time ſhould be yeld fit.

This being the effect of that we had formerly reſolved upon, and theſe the Occaſions and Reaſons inducing the ſame, Our humble ſuit to your Majeſty and confidence is, That your Majeſty will be graciouſly pleaſed to receive at the hands of theſe our Meſſengers, our former humble Declaration and Petition, and vouchſafe to read and favorably to interpret the ſame; and that to ſo much thereof as containeth our humble Petition concerning Jeſuits, Prieſts, and Popiſh Recuſants, the Paſſage of Bills, and Granting your Royal Pardon, you will vouchſafe an Anſwer unto us.

And whereas your Majeſty by the general words of your Letter, ſeemeth to reſtrain us from intermedling with Matters of Government, or Particulars which have their motion in the Courts of Juſtice, the generality of which words in the largeneſs of the extent thereof, (as we hope beyond your Majeſties intention) might involve thoſe things which are the proper Subjects of Parliamentary Occaſions and diſcourſe.

And whereas your Majeſty doth ſeem to abridge us of the Antient Liberty of Parliament for Freedom of Speech, Juriſdiction, and Juſt Cenſure of the Houſe, and other Proceedings there (wherein we truſt in God we ſhall never tranſgreſs the bounds of Loyal and Dutiful Subjects) a Liberty which we aſſure our ſelves, ſo Wiſe and ſo Juſt a King will not infringe, the ſame being our antient and undoubted Right, and an Inheritance received from our Anceſtors; without which we cannot freely debate, nor clearly diſcern of things in queſtion before us, nor truly inform your Majeſty: In which we have been confirmed by your Majeſties moſt gratious former Speeches and Meſſages. We are therefore now again inforced in all humbleneſs to pray your Majeſty to allow the ſame, and thereby to take away the Doubts and Scruples your Majeſties late Letter to our Speaker hath wrought upon us.

So ſhall we your loyal and loving Subjects ever acknowledge your Majeſties Juſtice, Grace, and Goodneſs, and be ready to perform that ſervice to your Majeſty, which in the true affection of our hearts we profeſs, and pour out our daily and devout Prayers to the Almighty for your Majeſties long life, happy and religious Reign, and proſperous Eſtate, and for your Royal Poſterity after you for ever.

The King having rejected the firſt Petition, gave to the later this Anſwer following.

The Kings Anſwer to the later Petition.

"WE muſt here begin in the ſame faſhion that we would have "done, if the firſt Petition had come to our hands before we "had made a ſtay thereof, which is to repeat the firſt words "of the late Queen of famous memory, uſed by her, in anſwer to an In-

ſolent

19 Jacobi.

"ſolent Propoſition made by a *Polonian* Ambaſſador unto her, that is,
"*Legatum expectabamus, Heraldum accipimus.* For we had great reaſon to
"expect that the firſt Meſſage from your Houſe ſhould have been a
"Meſſage of Thankſgiving for our continued gratious behavior to-
"wards our people, ſince your laſt Receſs, not onely by our Proclama-
"tion of Grace, wherein were contained Six or ſeven and thirty Arti-
"cles, all of ſeveral points of Grace to the people; but alſo by the
A "labor we took for the ſatisfaction of both Houſes in thoſe three Articles
"recommended unto us in both their names, by the Right Reverend Fa-
"ther in God, the Archbiſhop of *Canterbury*, and likewiſe for the good
"Government of *Ireland*, we are now in hand with, at your requeſt; but
"not onely have we heard no news of all this, but contrary, great com-
"plaints of the danger of Religion within this Kingdom, tacitely im-
"plying our ill Government in this point. And we leave you to judge,
"whether it be your duties that are the Repreſentative Body of our peo-
B "ple, ſo to diſtaſte them with our Government, whereas by the con-
"trary it is your duty, with all your endeavors, to kindle more and more
"a dutiful and thankful love in the peoples hearts towards us, for our juſt
"and gratious Government.

"Now whereas in the very beginning of this your Apology you tax
"us in fair terms of truſting uncertain Reports, and partial Informations
"concerning your proceedings, we wiſh you to remember that we are an
"old and experienced King, needing no ſuch Leſſons, being in our Con-
C "ſcience freeſt of any King alive from hearing or truſting idle Reports,
"which ſo many of your Houſe as are neareſt us, can bear witneſs unto
"you, if you would give as good ear to them, as you do to ſome Tribu-
"nitial Orators among you: And for proof in this particular, we have
"made your own Meſſengers confer your other Petitions ſent by you,
"with the Copy thereof, which was ſent us before: Between which, there
"is no difference at all, but that ſince our receiving the firſt Copy, you
"added a concluſion unto it, which could not come to our hands, till it
D "was done by you, and your Meſſengers ſent, which was all at one time.
"And if we had had no Copy of it before-hand, we muſt have received
"your firſt Petition to our great diſhonor, before we had known what it
"contained, which would have enforced us to return you a far worſe An-
"ſwer, then now we do, for then your Meſſengers had returned with
"nothing, but that we have judged your Petition unlawful, and unwor-
"thy of an Anſwer: For as to your concluſion thereof, it is nothing but
"*Proteſtatio contraria facto*, for in the Body of your Petition, you uſurpe
E "upon our Prerogative Royal, and meddle with things far above your
"reach, and then in the concluſion you proteſt the contrary, As if a
"Robber would take a mans purſe, and then proteſt he meant not to rob
"him. For firſt you preſume to give us your advice concerning the
"Match of our deareſt Son with ſome Proteſtant (we cannot ſay Prin-
"ceſs, for we know none of theſe fit for him) and diſſwade us from his
"Match with *Spain*, urging us to a preſent War with that King; and
"yet in the concluſion, forſooth, ye proteſt ye intend not to preſs upon
F "our moſt undoubted and Regal Prerogative, as if the Petitioning of
"us in matters that your ſelves confeſs ye ought not to meddle with, were
"not a meddling with them.

"And whereas ye pretend, That ye were invited to this courſe by
"the Speeches of Three honorable Lords, yet by ſo much as your ſelves
"repeat of the Speeches, nothing can be concluded, but that we

"were

An. 1621.

"were resolved by War to regain the *Palatinate*, if otherwise we could "not attain unto it. And you were invited to advise forthwith upon a "Supply for keeping the forces in the *Palatinate* from disbanding, and to "foresee the means for the raising, and maintenance of the Body of an "Army for that War against the Spring. Now what inference can be "made upon this, that therefore we must presently denounce War against "the King of *Spain*, break our dearest Sons match, and match him to "one of our Religion, let the World judge: The difference is no A
"greater, than if we would tell a Merchant that we had great need to "borrow Money from him for raising an Army; that thereupon it should "follow that we were bound to follow his advice in the direction of the "War, and all things depending thereupon: But yet not contenting your "selves with this excuse of yours, which indeed cannot hold water, ye "come after to a direct contradiction to the conclusion of your former "Petition, saying, That the honor and safety of us and our Posterity, "and the Patrimony of Our Children invaded and possessed by their ene- B
"mies, the Welfare of Religion, and State of our Kingdom, are matters "at any time not unfit for your deepest considerations in Parliament. To "this generality, we answer with the Logicians, That where all things "are contained, nothing is omitted. So as this Plenipotency of yours, "invests you in all power upon Earth, lacking nothing but the Popes to "have the Keys also both of Heaven and Purgatory; And to this vast "generality of yours, we can give no other answer; for it will trouble "all the best Lawyers in the House to make a good Commentary upon it: C
"For so did the Puritan Ministers in *Scotland* bring all kinde of causes "within the compass of their jurisdiction, saying, That it was the Churches "office to judge of slander; and there could no kinde of crime or fault be "committed, but there was a slander in it, either against God, the King, "or their Neighbor, and by this means they hooked into themselves "the cognisance of all causes: Or like *Bellarmines* distinction of the "Popes power over Kings, in *Ordine ad Spiritualia*, whereby he gives D
"them all Temporal Jurisdiction over them.

"But to give you a direct Answer to the matter of War, for which "you are so earnest. We confess we rather expected you should have "given us thanks for the so long maintaining a setled Peace in all our "Dominions, when as all our Neighbors about are in miserable com- "bustion of War; but *dulce bellum inexpertis*. And we indeed finde by "experience, that a number of our Subjects are so pampered with Peace, "as they are desirous of change, though they knew not what. E

"It is true, that we have ever professed (and in that minde with Gods "grace we will live and die) that we will labor by all means possible, "either by Treaty or by force, to restore our Children to their ancient "Dignity and Inheritance: And whatsoever Christian Princes or Poten- "tates will set themselves against it, we will not spare any lawful means "to bring our so just and honorable purpose to a good end; neither shall "the match of our Son, or any other worldly respect be preferred to this "our resolution. For by our credit and intervention with the King of F
"*Spain*, and the Arch-Dutches, and her Husband now with God, we "preserved the Lower *Palatinate* one whole year from any further con- "quering in it, which in eight days space, in that time might have easily "been swallowed up by *Spinola's* Army without any resistance. And in "no better case was it now at our Ambassador the Lord *Digbies* coming "through *Heidelburgh*, if he had not extraordinarily succored it.

"But

19 *Jacobi.*

"But becauſe we conceive that ye couple this War of the *Palatinate* with the Cauſe of Religion, we muſt a little unfold your eyes "herein.

"The beginning of this miſerable War, which hath ſet all Chri-"ſtendom on fire, was not for Religion, but only cauſed by our Son-"in-law his haſty and harſh reſolution, following evil Counſel, to take "to himſelf the Crown of *Bohemia*.

A "And that this is true, himſelf wrote Letters unto us at that "time, deſiring to give aſſurance both to the French King and State "of *Venice*, that his accepting of the Crown of *Bohemia* had no re-"ference to the Cauſe of Religion, but only by reaſon of his right "of Election (as he called it.) And we would be ſorry that that "aſperſion ſhould come upon our Religion, as to make it a good "pretext for dethroning of Kings, and uſurping their Crowns; "And we would be loth that our people here ſhould be taught

B "that ſtrange doctrine: No, let us not ſo far wrong the Jeſuites, "as to rob them of their ſweet Poſitions and practice in that very "point.

"And upon the other part, We aſſure our ſelf ſo far of your "charitable thoughts of us, that we would never have conſtantly de-"nied our Son in law both the Title and aſſiſtance in that point, if we "had been well perſwaded of the juſtice of his quarrel. But to con-"clude; This unjuſt uſurpation of the Crowns of *Bohemia* and *Hun-*

C "*garia* from the Emperor, hath given the Pope and all that party too "fair a ground, and opened them too wide a gate for curbing and "oppreſſing of many thouſands of our Religion in divers parts of Chri-"ſtendom.

"And whereas you excuſe your touching upon the King of *Spain*, "upon occaſion of the incidents by you repeated in that place, and "yet affirm that it is without any touch to his honor; We cannot "wonder enough that ye are ſo forgetful both of your words and writs:

D "For in your former Petition ye plainly affirm, That he affects the "Temporal Monarchy of the whole Earth; then which there can be "no more malice uttered againſt any great King, to make all other "Princes and Potentates both envy and hate him: But if ye liſt, it may "eaſily be tryed whether that ſpeech touched him in honor, or not, if "ye ſhall ask him the queſtion whether he means to aſſume to himſelf "that title, or no: For every King can beſt judge of his own honor.

E "We omit the particular ejaculations of ſome foul-mouthed Ora-"tors in your Houſe, againſt the Honor of that Kings Crown and "State.

"And touching your excuſe of not determining any thing concern-"ing the Match of our deareſt Son, but only to tell your Opinion, and "lay it down at our feet: Firſt we deſire to know how you could "have preſumed to determine in that point, without committing of "High Treaſon? And next you cannot deny but your talking of his

F "his Match after that manner, was a direct breach of our command-"ment and declaration out of our own mouth at the firſt ſitting down "of this Parliament, where we plainly profeſſed that we were in "Treaty of this Match with *Spain*, and wiſhed you to have that "confidence in our Religion and Wiſdom, that we would ſo ma-"nage it, as our Religion ſhould receive no prejudice by it: "And the ſame we now repeat unto you, profeſſing that we

An. 1621.

"are ſo far engaged in that Match, as we cannot in honor go "back, except the King of *Spain* perform not ſuch things as we ex- "pect at his hands. And therefore we are ſorry that ye ſhould ſhew "to have ſo great diſtruſt in us, as to conceive that we ſhould be "cold in our Religion; Otherwiſe we cannot imagine how our for- "mer publique Declaration ſhould not have ſtopt your mouths in this "point.

A "And as to your requeſt, That we would now receive your "former Petition; We wonder what could make you preſume that "we would receive it, whereas in our former Letter we plainly de- "clared the contrary unto you. And therefore we have juſtly rejected "that ſuit of yours: For what have you left unattempted in the higheſt "points of Soveraignty, in that Petition of yours, except the ſtriking "of Coin? For it contains the violation of Leagues, the particular way "how to govern a War, and the Marriage of our deareſt Son, both B "Negative with *Spain*, nay with any other Popiſh Princeſs, and alſo "Affirmatively as to the matching with one of our Religion; which "we confeſs is a ſtrain beyond any providence or wiſdom God hath given "us, as things now ſtand.

"Theſe are unfit things to be handled in Parliament, except your "King ſhould require it of you: For who can have wiſdom to judge of "things of that nature, but ſuch as are daily acquainted with the parti- "culars of Treaties, and of the variable and fixed connexion of affairs "of State, together with the knowledge of the ſecret ways, ends and C "intentions of Princes in their ſeveral Negotiations? otherwiſe a ſmall "miſtaking of matters of this nature, may produce more effects then "can be imagined: And therefore *Ne Sutor ultra crepidam.* And beſides, "the intermedling in Parliament with matters of Peace or War, and "Marriage of our deareſt Son, would be ſuch a Diminution to us and "to our Crown in Foreign Countries, as would make any Prince neglect "to treat with us either in matters of Peace or Marriage, except they "might be aſſured by the aſſent of Parliament. And ſo it proved long D "ago with a King of *France*, who upon a Trick procuring his States "to diſſent from ſome Treaty which before he had made, was after re- "fuſed Treating with any other Princes to his great reproach, unleſs "he would firſt procure the aſſent of his Eſtates to their Propoſition. "And will you caſt your eyes upon the late times, you ſhall find that "the late Queen of famous memory was humbly petitioned by a Par- "liament to be pleaſed to marry: But her Anſwer was, That ſhe liked "their Petition well, becauſe it was ſimple, not limiting her to place or E "perſon, as not befitting her liking to their fancies; And if they had "done otherwiſe, ſhe would have thought it a high preſumption in them. "Judge then what we may do in ſuch a caſe, having made our publique "declaration already (as we ſaid before) directly contrary to that which "you have now petitioned.

"Now to the points in your Petition whereof you deſire an Anſwer, "as properly belonging to the Parliament; The firſt and the greateſt point "is, that of Religion: Concerning which at this time we can give you F "no other Anſwer then in the general; which is, That you may reſt "ſecure that we will never be weary to do all we can for the propa- "gation of our Religion, and repreſſing of Popery: But the manner "and form you muſt remit to our care and providence, who can beſt "conſider of times and ſeaſons, not by undertaking a Publique War

of

19 *Jacobi.*

"of Religion through all the World at once, (which how hard and "dangerous a task it may prove, you may judge.) But this puts us "in mind, how all the World complained the laſt year of plenty of "Corn; and God ſent us a Cooling-card this year for that heat: "And ſo we pray God, that this deſire among you of kindling "Wars (ſhewing your wearineſs of peace and plenty) may not make "God permit us to fall into the miſeries of both. But as we already ſaid,
A "our care of Religion muſt be ſuch, as on the one part we muſt not by "the hot perſecution of our Recuſants at home irritate Foreign Princes "of contrary Religion, and teach them the way to plague the Proteſtants "in their Dominions, with whom we daily intercede, and at this time "principally, for eaſe to them of our profeſſion that live under them; "Yet upon the other part, we never mean to ſpare from due and ſevere "puniſhment any Papiſt that will grow inſolent for living under our ſo
B "mild Government. And you may alſo be aſſured, we will leave no "care untaken, as well for the good Education of the Youth at home, "eſpecially the children of Papiſts, as alſo for preſerving at all times "hereafter the Youth that are or ſhall be abroad, from being bred in "dangerous places, and ſo poiſoned in Popiſh Seminaries. And as in this "point, namely the good education of Popiſh youth at home, we have "already given ſome good proofs both in this Kingdom and in *Ireland*, "ſo will we be well pleaſed to paſs any good Laws that ſhall be made "either now, or at any time hereafter to this purpoſe.

C "And as to your requeſt of making this a Seſſion, and granting a "General Pardon; It ſhall be in your defaults, if we make not this a "Seſſion before Chriſtmas.

"But for the Pardon, ye crave ſuch particulars in it, as we muſt be "well adviſed upon, leſt otherwiſe we give you back the double or treble "of that we are to receive by your entire Subſidy, without Fifteens. "But the ordinary courſe we hold fitteſt to be uſed ſtill in this caſe is,
D "That we ſhould of our free grace ſend you down a Pardon from the "Higher Houſe, containing ſuch points as we ſhall think fitteſt, wherein "we hope ye ſhall receive good ſatisfaction.

"But we cannot omit to ſhew you how ſtrange we think it, that ye "ſhould make ſo bad and unjuſt a Commentary upon ſome words of our "former Letter, as if we meant to reſtrain you thereby of your antient "priviledges and liberties in Parliament. Truly, a Scholar would be a-
E "ſham'd ſo to miſplace and misjudge any ſentences in another mans book. "For whereas, in the end of our former Letter, we diſcharge you to med-"dle with matters of Government, and Myſteries of State, namely mat-"ters of War or Peace, or our deareſt Son's Match with *Spain*; by which "particular denominations we interpret and reſtrain our former words; "And then after we forbid you to meddle with ſuch things as have their "ordinary courſe in Courts of Juſtice: Ye couple together thoſe two "diſtinct ſentences, and plainly leave out theſe words, *of Myſteries of*
F "*State*; ſo as ye erre *à bene diviſis ad male conjuncta*: For of the former "part concerning Myſteries of State, we plainly reſtrain our meaning to "the particulars that were after mentioned; And in the latter, we con-"feſs we meant it by Sir *Edward Cook's* fooliſh buſineſs. And therefore "it had well became him, eſpecially being our Servant, and one of our "Council, to have complained unto us, which he never did, though "he was ordinarily at Court ſince, and never had acceſs refuſed unto "him.

An. 1621.

"And although we cannot allow of the ſtile, calling it *Your antient "and undoubted Right and Inheritance*; but could rather have wiſhed that "ye had ſaid, That your Priviledges were derived from the grace and "permiſſion of our Anceſtors and Us, (For moſt of them grow from "Precedents, which ſhews rather a Toleration then Inheritance:) Yet "we are pleaſed to give you our Royal aſſurance, that as long as you "contain your ſelves within the limits of your duty, we will be as care- A
"ful to maintain and preſerve your lawful Liberties and Priviledges, as "ever any of our Predeceſſors were, nay as to preſerve our own Royal "Prerogative. So as your Houſe ſhall only have need to beware to trench "upon the Prerogative of the Crown; which would enforce us, or any "juſt King, to retrench them of their Priviledges, that would pare his "Prerogative, and Flowers of the Crown: But of this we hope there "ſhall be never cauſe given. Dated at *Newmarket* the Eleventh day "of *December*, 1621. B

The Lord Keepers judgment touching the Kings ſharp Anſwer.

The Lord Keeper *Williams* adviſed, That the harſhneſs of this Anſwer ſhould be mitigated with a Letter from his Majeſty to the Houſes. For (ſaid he) his Majeſty rightly inferrs, That their Priviledges which they claim to be their Natural birthrights, are but the favors of former Kings: Now the Kings aſſertion and their Claim may eaſily be reconciled, if men were peaceably diſpoſed, and affected the diſpatch of Common buſineſs.

Theſe Priviledges were originally the favor of Princes; neither doth C
his Majeſty go about to impair or diminiſh them. Therefore if his Majeſty would be pleaſed to qualifie the paſſage with ſome mild and noble expreſſion, and require them ſtrictly to prepare things for a Seſſion, and to leave thoſe needleſs diſputes, He ſhall make it appear to all wiſe and juſt men, that thoſe perſons are oppoſite to thoſe Common ends, whereof they vaunt themſelves the onely Patrons. Will the King be pleaſed to add in this Letter, That if they will not prepare Bills for a Seſſion, he will break up the Parliament without any longer Prorogation, acquaint- D
ing the Kingdom with their undutifulneſs and obſtinacie, and ſupply the preſent wants by ſome other means: Or elſe will he adjourn the preſent Aſſembly to the appointed Eight of *February*. This latter courſe is fitter for further Advice; but the former, to expreſs a juſt indignation.

The Lo. *Digby* to the Peers.

The Lord *Digby* minded the Peers, That this Seſſion was called for the preſent ſupport of the *Palatinate*, as was declared by the Meſſage from his Majeſty to both Houſes in the beginning thereof. He reported alſo, That he had received many great Advertiſements of that Countries E
preſent diſtreſs and danger, by the Duke of *Bavaria*; and that the Army of *Mansfeld* who came in for defence, if he be not ſpeedily ſupplied with monies, is in a poſſibility of deſerting the ſervice: For he hath fair offers of making his Peace; but nothing will take with him, being in hopes of relief from *England*.

But the Parliament thought it their duty as well to adviſe his Majeſty, as to ſupply his wants.

December 19. The Prince delivered to the Clerk the Commiſſion F
for an Adjournment to the Eight of *February*. Which diſcontented the Commons and good people of *England*, foreſeeing a Diſſolution by *Gondomar's* means.

Before the Adjournment, in vindication of their Parliamentary rights and Priviledges, the Commons made and entred this Proteſtation following.

The

19 *Jacobi.*
The Commons Protestation.

THe Commons now assembled in Parliament, being fully occasioned thereunto concerning sundry Liberties, Franchises and Privileges of Parliament amongst others here mentioned, do make this Protestation following. That the Liberties, Franchises, Privileges and Jurisdictions of Parliament, are the antient and undoubted Birthright and Inheritance of the Subjects of England; And that the arduous and urgent affairs concerning the King, State, and Defence of the Realm, and of the Church of England, and the maintenance and making of Laws, and redress of mischiefs and grievances which daily happen within this Realm, are proper subjects and matter of Counsel and Debate in Parliament; And that in the handling and proceeding of those businesses, every Member of the House of Parliament hath, and of right ought to have freedom of speech, to propound, treat, reason and bring to conclusion the same; And that the Commons in Parliament have like liberty and freedom to treat of these matters in such order as in their judgments shall seem fittest; And that every Member of the said House hath like freedom from all Impeachment, Imprisonment and molestation (other then by Censure of the House it self) for or concerning any speaking, reasoning, or declaring of any matter or matters touching the Parliament, or Parliament-business; And that if any of the said Members be complained of and questioned for any thing done or said in Parliament, the same is to be shewed to the King by the advice and assent of all the Commons assembled in Parliament, before the King gave credence to any private information.

But how the King was moved by the Protestation of the House of Commons, will appear by this Memorial.

Whitehall, Decemb. 30. 1621.

HIs most Excellent Majesty coming this day to the Council, the Prince his Highness, and all the Lords and others of his Majesties Privy Council sitting about him, and all the Judges then in London, which were six in number, there attending upon his Majesty; the Clerk of the Commons House of Parliament was called for, and commanded to produce his Journal-book, wherein was noted, and Entries made of most passages that were in the Commons House of Parliament; and amongst other things there was written down the form of a Protestation concerning sundry Liberties, Privileges, and Franchises of Parliament; with which form of Protestation his Majesty was fully offended. Nevertheless his Majesty in a most gracious manner there expressed, That he never meant to deny that House of Commons any lawful Privileges that ever they had enjoyed; but whatsoever Privileges or Liberties they had by any Law or Statute, the same should be inviolably preserved unto them; and whatsoever Privileges they enjoyed by Custom, or uncontrouled and lawful precident, his Majesty would be careful to preserve. But this Protestation of the Commons House so contrived and carried as it was, his Majesty thought fit to be razed out of all Memorials, and utterly

to

An. 1621.

to be annihilated, both in respect of the manner by which it was gained, and the matter therein contained. For the manner of getting it, First in respect of the time: For after such time as his Majesty out of his Princely grace, and to take away all mistakings, had directed his Letters to Secretary Calvert dated at Royston 16 Decembris, and therein had so explained himself in the point of maintaining the priviledges of the House of Commons, as that most of the said House rested fully satisfied, and freed from any scruple of having their liberties impeached; And after that by his Majesties Letters directed to the Speaker dated 18 December, being Tuesday, his Majesty at the humble suit of the House of Commons, condescended to make this Meeting a Session before Christmas, and for that purpose had assigned Saturday following. Now upon this very Tuesday, and while the Messengers from the House of Commons were with his Majesty at Theobalds to return thanks unto his Majesty, and therewith an excuse from them not to make it a Session in respect of the strait of time whereunto they were driven; which determent his Majesty admitted of at their desires, and thereupon gave order for the adjournment of the Parliament until the Eight of February next, which was the first day formerly appointed by his Majesty for the meeting together of the Parliament: And whilst their messengers were with his Majesty, and had received a gracious Answer to return unto their House; even that afternoon, a Committee was procured to be made for taking their Liberties into consideration: And this afternoon a Protestation was made (to whom appears not) concerning their Liberties; and at six a clock at night, by candle-light, the same Protestation was brought into the House by the Committee, and at that time of night it was called upon to be put to the Question, there not being the third part of the House then present; whereas in all matters of weight, their usual custom is to put nothing of importance to the Question, till the House be full; And at this time many of them that were present expected the Question would have been deferred to another day, and a fuller House, and some then present stood up to have spoken to it, but could not be seen nor heard in that darkness and confusion. Now for the matter of the Protestation, it is penned in such ambiguous and general words, as may serve for future Times to invade most of Rights and Prerogatives annexed to the Imperial Crown; the claim of some priviledges being grounded upon the words of the Writ for assembling the Parliament, wherein some words, viz. *Arduis Regni*, are cunningly mentioned; but the word *quibusdam*, which restraineth the generality to such particular Cases as his Majesty pleaseth to consult with them upon, is purposely omitted.

The King takes the *Protestation* out of the Journal-book with his own hand.

These things considered, his Majesty did this present day in full assembly of his Council, and in the presence of the Judges, declare the said Protestation to be invalid, annulled, void and of no effect: And did further *manu sua propria* take the said Protestation out of the Journal-book of the Clerk of the Commons House of Parliament, and commanded an Act of Council to be made thereupon, and this Act to be entred in the Register of Council-causes.

In the mean time the King dissolves them.

On the Sixth of *January* the King by Proclamation dissolved the Parliament; shewing that the assembling, continuing, and dissolving of Parliaments doth so peculiarly belong unto him, that he needs not give an accompt thereof unto any: Yet he thought fit to declare, That in this

Disso-

19 *Jacobi*

Diſſolution he had the advice and uniform conſent of his whole Council. And that ſome particular Members of the Houſe of Commons took inordinate liberty not only to treat of his high Prerogatives, and ſundry things not fitting to be argued in Parliament, but alſo to ſpeak with leſs reſpect to Foreign Princes: That they ſpent the time in diſputing Priviledges, deſcanting upon the words and ſyllables of his Letters and Meſſages: And that theſe Evil-tempered ſpirits ſowed tares among the corn, A and by their cunning devices have impoſed upon him a neceſſity of diſcontinuing this preſent Parliament, without putting unto it the name or period of a Seſſion. And laſtly he declared, That though the Parliament be broken off, yet he intended to govern well, and ſhall be glad to lay hold on the firſt occaſion to call a Parliament again at convenient time.

The King was highly diſpleaſed with ſome of the Commons Houſe, whom he called *Ill-tempered ſpirits*. Sir *Edward Cook*, Sir *Robert Philips* B were committed to the Tower; Mr. *Selden*, Mr. *Pym*, Mr. *Mallery* to other Priſons and Confinements. Order was given for the ſealing up the locks and doors of Sir *Edward Cooks* Chambers in *London* and in the *Temple*, for the ſeiſing of his Papers; and the Council debating about the General Pardon that ſhould have paſſed this laſt Parliament, had conſulted about the ways of excluding him from that benefit, either by preferring a Bill againſt him before the publication of the Pardon, or by exempting him by name, whereof they ſaid they had preſidents.

Some Eminent Members of the Parliament impriſoned.

C Likewiſe Sir *Dudley Diggs*, Sir *Tho. Crew*, Sir *Nathaniel Rich*, and Sir *James Perrot* for puniſhment were ſent into *Ireland*, joined in Commiſſion with others under the Great Seal of *England*, for the enquiry of ſundry matters concerning his Majeſties ſervice, as well in the Government Eccleſiaſtical and Civil, as in point of his Revenue and otherwiſe, within that Kingdom.

Others ſent for puniſhment into *Ireland*.

Proclamations had formerly iſſued out againſt the Peoples too liberal ſpeaking of matters above their reach: Which at this time occaſioned D Letters from the Council to the Judges of the next Aſſiſes, taking notice of licentious and undutiful ſpeeches touching State and Government, notwithſtanding ſeveral Proclamations prohibiting the ſame, which the King was reſolved no longer to let paſs without ſevereſt puniſhment; and thereupon required the Judges to give this in Charge in their ſeveral Circuits, and to do exemplary Juſtice where they find any ſuch Offenders.

The Council write to Judges concerning ſuch as ſpeak of State Affairs.

The King ſtill walked in his beaten path of Sollicitations and Treaties, E after the conſtant bad ſucceſs of his former Mediations: For at the very time when he treated of Peace, his Son in law was deſpoiled of his Hereditary patrimony by the Emperors commandment; who after the ſuſpenſion of the Ban or Proſcription, commanded the taking up of Arms again in the *Lower Palatinate*, the *Upper Palatinate* being already ſubdued. Which miſery King *James* acknowledged to be the fruit of his own patience, delays, and doubtfulneſs. Nevertheleſs he ceaſeth not to purſue the favor of an implacable Enemy: He wrote to the Emperor *Ferdinand*, declaring F his earneſt endeavors to appeaſe the Bohemian War, and his ardent zeal for Peace from the beginning; and expreſſed the Terms which he had preſcribed to his Son in law: As, That he ſhall for himſelf and his Son renounce all pretence of Right and Claim to the Crown of *Bohemia*; That he ſhall from henceforth yield all conſtant due devotion to the Imperial Majeſty, as do other obedient Princes Electors of the Empire; That

The Palatine ſpoiled of his hereditary dominions.

The terms which King *James* deſires the Emperor to accept in behalf of the Palatine.

An. 1621. That he ſhall crave pardon of the Imperial Majeſty; That he ſhall not hereafter any manner of way demean himſelf unſittingly toward the Imperial Majeſty, nor diſturb his Kingdoms and Countries; And that he ſhall upon reaſonable Conditions reconcile himſelf to other Princes and States of the Empire, and hold all good correſpondence with them; And he ſhall really do whatſoever like things ſhall be judged reaſonable and neceſſary.

King *James* requeſted of the Emperor the acceptance of theſe Conditions as a notable teſtimony of his Imperial Majeſties goodneſs and grace, which he ſaid ſhould be by himſelf acknowledged in all willing ſervice and unfeigned friendſhip to the Emperor himſelf, and the moſt renowned Houſe of *Auſtria*. But if theſe his juſt Demands and well-willed Preſentations ſhall not find acceptance, or be ſlightly waved by ſome new tergiverſation, or a pretence of that long and tedious way of Conſultation with the Princes of the Empire, he is reſolved to try his utmoſt power for his Childrens relief, judging it a foul ſtain to his Honor, if he ſhall leave them and their Partizans without counſel, aid and protection.

The Emperors Anſwer to King *James*, *Jan.* 14. 1621.

The Emperor replied and confeſſed, That in this exulcerate buſineſs, ſo much moderation and reſpect of juſtice and equity hath ſhined forth in the King of *Great Britain*, that there is not any thing that he ſhould refuſe to render thereunto, reſerving his Ceſarean authority, and the Laws of the Empire: Yet that Perſon whom it moſt concerns, hath given no occaſion by the leaſt ſign of repentance to a condeſcenſion to this Treaty of Pacification: For he is ſtill ſo obſtinate, as by continual machinations by *Fagerndorf* and *Mansfeld*, and other cruel diſturbers of the publique peace, to call up Hell rather then to acquieſce in better counſels, and deſiſt from the uſurped Title of a Kingdom. Howbeit, in favor of the King of *Great Britain* he ſhall conſent to a Treaty to be held at *Bruxels*, wherein he would devolve his power upon the Illuſtrious *Elizabetha Clara Eugenia* Infanta of *Spain*.

The appointment of the Treaty at *Bruxels* was accepted by King *James*, whither he ſent his Ambaſſador Sir *Richard Weſton* Chancellor of the Exchequer. In the mean while misfortune and miſery over-ran the *Palatinate*: The Enemy having prevailed in ſeveral grand encounters, proceeded to ſubdue the Country, without regard to the Treaty of Peace at *Bruxels*. Which was more eaſily effected, the Commotions in *Hungaria*, *Bohemia*, *Sileſia*, *Moravia* being now ended in a Treaty of Peace between the Emperor and *Bethleem Gabor*, the Emperor having made uſe of the *Palſgrave's* ſubmiſſion, and reſignation of the Crown of *Bohemia*, to accelerate this Treaty.

About this time *Philip* the Third, King of *Spain*, departed this life; and the Lord *Digby* was ſent Extraordinary Ambaſſador into *Spain*, as well to condole his death, as to advance the Match, and by all means poſſible to bring it to a final concluſion. To which end he was accompanied with Letters from his Majeſty, and the Prince, to that King, as alſo a private Letter to *Don Baltazar de Zuniga*.

A B C D E F

Moſt

19 Jacobi.

King James to Philip the Fourth of Spain.

MOst Serene and Potent Prince, Kinſman, and dearly beloved Friend, when we heard of the Death of your Majeſties Father, Philip *the Third, with whom we had great Amity, and by our Amity, managed very important Matters, which he being dead, could not but of neceſsity be interrupted: It was no leſs grief to us, then if he had been our own natural and moſt intimate Brother: Which grief we have certified both to your Majeſty by our Letters, as was fitting, and intimated to our people in a ſolemn and due manner. And thus far we have ſatisfied our ſelves; but in the next place we muſt alſo give Cuſtom its due. For which end we ſend unto your Majeſty our Publick Ambaſſador and Meſſenger of this our Grief, the Baron* John Digby, *our Counſellor and Vice-Chamberlain, adjoyning unto the reſt of his Inſtructions, this our wiſh, That your Serenity may rule your Fathers Kingdoms, which you have received under a moſt proſperous Star, with his and your Anceſtors Prudence, and that we may really finde that love, which alway paſſed between your Father of moſt happy memory and us, propagated with the ſame candor unto you his Succeſſor, the which we alſo hope,*

Given at our Pallace of Theobalds, Mar. 14. 1621.

Your Majeſties moſt Loving Brother

J. R.

Jacobus, *&c. Sereniſsimo & Potentiſsimo Principi ac Domino* Philippo *Quarto, &c.*

SEreniſſime & Potentiſſime P. Frater, Conſanguinee & Amice Chariſſime: Quum aliquot abhinc annis (pro affinitate noſtra arctiori, totiuſque orbis Chriſtiani bono) deliberatio ſuſcepta fuerit de Matrimonio inter Chariſſimum filium noſtrum *Carolum* P. *Walliæ* & Illuſtriſſimam Infantem Dominam *Mariam* (Serenitatis veſtræ ſororem natu minorem) contrahendo; quod ſuperſtite adhuc R. *Philippo* Tertio, (feliciſſimæ memoriæ) Patre veſtro, eo per gradus devectum erat, ut ille ſi non expiraſſet, hoc multo antehac conſummatum iri ſpes eſſet, nunc denuo, Serenitatem veſtram interpellandam duximus, jam tandem ut velit operi bene inchoato faſtigium imponere; & expectato deliberationes præteritas exitu coronare. Matura jam filii ætas, filii Unici, rerumque & temporum ratio conjugem videntur efflagitare; nobiſque in ſenectutis limine conſtitutis

James, &c. To the moſt Serene and moſt Potent Prince and Lord, *Philip* the Fourth, *&c.*

King James his Letter to the King of Spain.

MOſt Serene and Potent Prince, Kinſman, and Wel-beloved Friend; Foraſmuch as ſome years ago (for our nearer Alliance, and the good of the whole Chriſtian World) we had reſolved to make a Marriage between our Wel-beloved Son Charls, *Prince of* Wales, *and the moſt Illuſtrious* Infanta, *the Lady* Mary, *your Serenities yongeſt Siſter, which in the life time of your Father, King* Philip *the Third, of moſt happy memory, was ſo far advanced, That if he had not died, it had been brought to perfection long ere now: We have therefore thought good to Treat now again with your Serenity, that at length you would put a period to a work ſo well begun, and crown our by-paſt Deliberations with an expected iſſue. The age of our Son arived now to maturity, and he our onely Son (beſides the condition of the times and our affairs) doth require him to marry. And we being at the brink of old age, it would rejoyce*

An. 1621.

us to see the day wherein our Posterities Friendship should be bound up in this most desired Bond of Affinity. We have therefore sent unto your Serenity our Extraordinary Ambassador, the Right Honorable the Lord Digby, *Baron of* Sherborne, *our Counsellor, and Vice-Chamberlain, who has formerly deserved well of this Alliance, and the honor of the House of* Austria; *unto whom, together with our Ordinary Ambassador, we have intrusted the remainder of this business, to be treated, transacted, and finished, and shall be ready to ratifie and approve here, what ever they shall agree upon. We wish likewise, that your Serenity out of your goodness would ease our other care, touching the* Palatinate, *which concerns our Daughter and Son in Law, and their innocent Children, banished from their Ancestors Inheritance. How gladly would we ow this good turn solely to your Serenity, who have already done us so many friendly offices in that business! No Oblivion shall ever blot out of our minde, the acknowledgment of so great a favor, and we will endeavor to transmit to our Posterity, that Hereditary good will wherewith we have ever affected your Serenity, and your Royal Father of most worthy memory, and shall ever affect you. One thing remains, That if this our Ambassador shall propose any other matter touching what business soever, your Serenity will be pleased to give him Credence, as if we our self were present. The most gracious and great God ever preserve your Serenity in safety.*

Your Serenities
most Loving Brother

J. R.

Given at our Pallace of *Theobalds*, 14 *March.* 1621.

tutis, felicissimus illuceret dies, quo cernere liceret posterorum etiam amicitiam optato hoc affinitatis fœdere constrictam. Misimus itaque ad Serenitatem vestram Legatum nostrum Extraordinarium, Prænobilem virum *Johannem Digbeum*, Baronem de *Sherborne*, Consiliarium & Vice-Camerarium nostrum, jam olim de hac affinitate & Domus *Austriacæ* honore bene meritum, cui una cum Legato nostro Ordinario quicquid reliquum est hujus Negotii, tractandum, transigendum, absolvendumque Commisimus. Quicquid illis illic videbitur, ratum hic habituri. Utinam etiam vestre Serenitatis bonitate levaretur aliquando altera illa nostra de *Palatinatu* Sollicitudo, de filia & genero & insontibus eorum liberis ex avito jam extorribus Patrimonio. Quam vellemus vestræ Potissimum Serenitati beneficium hoc in solidum debere, cujus tot modo experti sumus ea in re Amicissima Officia! Non nos unquam capiet tantæ benevolentiæ oblivio, Posterisque Hæreditarium studebimus relinquere amorem illum, quo vestram Serenitatem & memoriæ optimæ Patrem semper sumus amplexi, semper amplexuri. Unum hoc superest ut si quid aliud in re quacunque proposuerit Legatus hic noster, eam ei fidem adhibere, ac si nos præsentes essemus, dignetur Serenitas vestra: Quam Deus Optimus Maximus perpetuo incolumem conservet.

Serenitatis vestræ
Frater Amantissimus

Jacobus R.

Dat. è Regia nostra *Theobald*, 14 Die *Martii*, *An. Dom.* 1621.

Prince

19 *Jacobi.*

Prince *Charls* to the King of *Spain.*

Prince *Charls* to the King of *Spain.*

A *Most Serene and Potent Prince, and wel-beloved Kinſman, ſome years ago our moſt Serene Parents begun to treat about a Match between us and the moſt Serene, our dearly beloved Princeſs, the Lady* Mary, *your Majeſties moſt honored Siſter. The condition and ſucceſs of which affair and treaty, our moſt Serene and Honored Lord and Father, out of his Fatherly affection towards us, was pleaſed upon all occaſions, ſo much the more willingly to impart unto us, by how much greater propenſion and apparent ſigns of true affection he diſcovered in us thereunto; For which cauſe the Baron* Digby, *his Majeſties Vice-Chamberlain and Extraordinary Ambaſſador, and one of our Privy Chamber, being now bound for* Spain, *with moſt ample Inſtructions to*

B *bring unto an happy iſſue, that which was proſperouſly begun, advanced before your moſt gracious Father our Uncle of happy memory departed this life: We thought it no leſs becoming us, by theſe our Letters, moſt affectionately to ſalute your Majeſty; who, if you ſhall perſwade your ſelf, that we highly eſteem of your affection as we ought to do, and that by a moſt near bond of affinity, we deſire to have it inlarged and confirmed towards us, that very perſwaſion will not a little adde to the meaſure of our love. It remains, that we intreat your Majeſty to give full credit to ſuch further Propoſals as the Baron* Digby

C *ſhall make in our name. In the mean time we will hope for ſuch a ſucceſs of the principal buſineſs, as may give us occaſion to uſe a more familiar ſtile hereafter in our Letters, as an argument of a nearer relation; which if it ſhall happen, this will alſo follow, That we ſhall moſt readily embrace all occaſions, whereby to evidence unto your Majeſty the progreſs and increaſe of our affection, as well towards your ſelf, as your moſt Serene Siſter.*

The moſt great and good God preſerve your Majeſty long in ſafety.

D *Your Majeſties moſt loving Kinſman,*

Given at Our Palace of Saint *James*, 14 *Martii*, 1621. C. P.

To the Right Honorable the Lord *Balthazar* of *Zuniga.*

E

Right Honorable and Wel-beloved Friend,

King *James* his Letter to the Lord *Balthazar* of *Zuniga.*

Becauſe we have divers times been informed by your Friends of your ſingular propenſion and zeal towards our Affairs, we neither will, nor ought to leave you unſaluted at this time, you have ſo well deſerved of us: But it will be no ſmall acceſſion of your good will, if you continue as you have

F *begun, to promote by your aſſiſtance, our concernments with his Majeſty our Welbeloved Brother; which by what way it may beſt be done, our Ambaſſador the Baron* John Digby *will be able to direct you, to whom we have intruſted the reſidue of that matter. And if during his reſidence there, he may make uſe of your ſingular Humanity and Favor with the King in his Negotiation, it will be moſt acceptable to us, and render us, who were by your deſervings already*

An. 1621. *forward to oblige you, most forward for the future to deserve well of you; which we shall most willingly testifie, as occasion offers, not onely in word but in deed.*

Given at our Palace of *Theobalds, March* 14. 1621. J. R.

Sir *Walter Aston*, the Leiger Ambassador, had managed that Treaty by directions received from *Digby*, and now *Digby* remained at large in it, and had communication of the Passages from him. The *Spaniards* proceed in the Match with a very formal appearance; for at this very time the Emperors Ambassador in *Spain* had discoursed of a Marriage between his Masters Son and the *Infanta*; but was presently answered, That the Kings hands were tied by a Treaty on foot with the King of Great *Brittain*; and in this particular they seemed (as said the English Agent) to deal above board.

The Privy Council by the Kings command issue out an Order for raising Money for the defence of the *Palatinate*.

In the mean time the Privy Council by the Kings Commandment consulted about the raising of Moneys to defend the *Palatinate*. They appointed the Keeper of the Records in the *Tower*, to search for all such writings as concerned the Levies of Men at the Publick charge of the Countrey, from the time of King *Edward* the Third, until this present.

Likewise they directed Letters of the tenor following to the Justices of the Courts at *Westminster*, and to the Barons of the Exchequer.

WHat endeavors his Majesty hath used by Treaty, and by all fair and amiable ways to recover the patrimony of his Children in Germany, *now for the most part withholden from them by force, is not unknown unto all his loving subjects, since his Majesty was pleased to communicate to them in Parliament his whole proceedings in that business: Of which Treaty, being of late frustrate, he was inforced to take other resolutions; namely, to recover that by the Sword, which by other means he saw no likelihood to compass. For which purpose it was expected by his Majesty, that his people in Parliament would (in a cause so nearly concerning his and his Childrens interest) have chearfully contributed thereunto. But the same unfortunately failing, his Majesty is constrained in a case of so great necessity, to try the dutiful affections of his loving Subjects in another way, as his Predecessors have done in former times, by propounding unto them a voluntary contribution. And therefore as your selves have already given a liberal and worthy example (which his Majesty doth take in very gratious part) so his pleasure is, and we do accordingly hereby authorise and require your Lordships, as well to countenance and assist the service by your best means in your next Circuits, in the several Counties where you hold General Assizes; as also now presently with all convenient expedition, to call before you all the Officers and Attorneys belonging to any his Majesties Courts of Justice, and also all such others of the Houses and Societies of Court, or that otherwise have dependence upon the Law, as are meet to be treated withal in this kinde, and have not already contributed; and to move them to joyn willingly in this contribution in some good measure, answerable to that your selves and others have done before us, according to their means and fortunes: Wherein his Majesty doubteth not, but beside the interest of his Children, and his own Crown and Dignity, the Religion professed by his Majesty and happily flourishing under him, within this Kingdom, (having a great part in the suc-*

ces

19 Jacobi.

ceſs of this buſineſs) will be a ſpecial motive to incite and perſwade them thereunto. Nevertheleſs, if any perſons ſhall out of obſtinacy or diſaffection, refuſe to contribute herein, proportionably to their Eſtates and Means, you are to certifie their names unto this Board.

And ſo recommending this ſervice to your beſt care and endeavor, and praying you to return unto us Notes of the names of ſuch as ſhall contribute, and of the ſums offered by them, We bid, &c.

A Letters to the ſame effect were directed to the High Sheriffs and Juſtices of Peace of the ſeveral Counties; and to the Majors and Bailiffs of every City and Town-Corporate within the Kingdom, requiring them to ſummon all of known Abilities within their Juriſdictions, and to move them to a chearful contribution according to their Means and Fortunes in ſome good meaſure, anſwerable to what others well-affected had done before them. And to make choice of meet Collectors of the B Moneys, and to return a Schedule of the names of ſuch as ſhall contribute, and the ſums that are offered by them; that his Majeſty may take notice of the good inclinations of his Subjects to a cauſe of ſuch importance; as likewiſe of ſuch others, if any ſuch be, as out of obſtinacy or diſaffection ſhall refuſe to contribute.

Archbiſhop *Abbot* not reliſhed at Court; an advantage taken againſt him.

About this time *George Abbot*, Archbiſhop of *Canterbury*, began to C fall into diſgrace at Court; his enemies taking the advantage of a late ſad misfortune, for ſhooting at a Deer with a Croſs-bow in *Bramzil* Park, he caſually killed the Keeper. Upon this unhappy accident, it was ſuggeſted to the King, who already diſguſted him for oppoſing the Match with *Spain*, That in regard of his eminent rank in the Church, it might adminiſter matter of Scandal; which was aggravated by ſuch as aſpired unto his place and dignity. The Biſhop of *Lincoln*, then Lord Keeper, informed the Marqueſs of *Buckingham*, That by the Common Law of *England*, the Archbiſhops whole eſtate was forfeited to the King; and by the Common Law, which is ſtill in force, he is made irregular *ipſo* D *facto*, and ſo ſuſpended from all Eccleſiaſtical Function, until he be reſtored by his Superior, which was the Kings Majeſty, in this rank and order of Eccleſiaſtical Juriſdiction. "To adde affliction to the afflicted "*(ſaid he)* will be againſt his Majeſties nature; yet to leave a man of "Blood, Primate, and Patriark of all his Churches, is a thing that "ſounds very harſh in the Old Councils and Cannons, and the Papiſts "will not ſpare to cenſure it.

The King made choice of the Lord Keeper, the Biſhops of *London*, E *Winton*, *Rocheſter*, *St. Davids*, and *Exeter*, Sir *Henry Hobart*, Juſtice *Doderidge*, Sir *Henry Martin*, and Doctor *Stuart*, to inform him of the nature of this cauſe, and the ſcandal that might ariſe thereupon; and to certifie what the ſame may amount unto, whither to an irregularity, or otherwiſe; and what means may be found for redreſs. However this conſultation was managed, the Archbiſhop was not deprived; but a Plant was growing up that over-topped him whilſt he lived, and after his deceaſe obtained the Primacy.

F Doctor *Land* who was firſt choſen to the Biſhoprick of St. *Davids*, by the Mediation of the Lord Keeper *Williams*, and was conſecrated by the Biſhops of *London*, *Worceſter*, *Chicheſter*, *Ely*, *Landaff*, and *Oxon*; the Archbiſhop in the mean time was not thought irregular for the Caſual Homicide.

This Biſhop, Doctor *Land*, was looked upon in thoſe times as an *Arminian*,

An. 1622. Bishop *Laud* suspected to incline to Popish Tenents while he was of *Oxford*, as appears by a notable passage.

Arminian, and a fierce oppoſer of *Puritans*; and while he lived in *Oxford*, ſuſpected to incline to Popiſh Tenents, as may appear by his Letter of Complaint ſent to his Patron, Doctor *Neal*, then Biſhop of *Lincoln*, againſt a Sermon preached by *Robert Abbot*, Doctor of the Chair in *Oxford*; in which Letter he incloſed this (amongſt other Paſſages) of the Doctors Sermon, *viz.*

"That men under pretence of Truth and Preaching againſt the Puri-
"tans, ſtrike at the heart and root of Faith and Religion now eſtabliſhed
"among us. That this Preaching againſt the Puritans was but the practice
"of *Parſons* and *Campions* counſel, when they came into *England* to
"ſeduce yong Students: And when many of them were afraid to loſe
"their places, if they ſhould profeſſedly be thus, the counſel they then
"gave them was, That they ſhould ſpeak freely againſt the Puritans, and
"that ſhould ſuffice. And they cannot intend that they are accounted
"Papiſts, becauſe they ſpeak againſt the Puritans. But becauſe they in-
"deed are Papiſts, they ſpeak nothing againſt them. If they do at any
"time ſpeak againſt the Papiſts, they do beat a little upon the Buſh, and
"that ſoftly too, for fear of troubling or diſquieting the Birds that are
"in it.

I Came time enough (ſaith Mr. Laud*) to be at the rehearſal of this Sermon, upon much perſwaſion, where I was fain to ſit patiently, and hear my ſelf abuſed almoſt an hour together, being pointed at as I ſate. For this preſent abuſe, I would have taken no notice of it, but that the whole Univerſity apply it to me, and my own Friends tell me I ſhall ſink my credit if I anſwer not Dr.* Abbot *in his own. Nevertheleſs in a buſineſs of this kinde, I will not be ſwayed from a patient courſe; onely I deſire your Lordſhip to vouchſafe me ſome direction what to do, &c.*

The Arminians begin to be favored by the King, by means of Biſhop *Laud*.

The *Arminian Sect* oppoſed by King *James*, and by his ſpecial concurrence lately broken in the *Netherlands*, by the beheading of *Barnevalt* the cheif of them, began in his latter times to ſpring up in *England*, and was countenanced by the ſaid Prelate, who had newly obtained the opinion and favor of the Marqueſs of *Buckingham*: The Kings main deſign then not ſuffering the ſuppreſſing of that way which in common judgment was inclined to Popery; or he thought to recover all his loſſes, and to ſalve all misfortunes by the Spaniſh Match. And for this cauſe he releaſed multitudes of Prieſts and Popiſh Recuſants then impriſoned, which the *Spaniards* profeſſed to be a great demonſtration of the Kings ſincere affection, to confirm the correſpondence and amity between the Crowns. And that this enlargement might be the more expedite and leſs chargeable, the King gave directions to the Lord Keeper *Williams*, Biſhop of *Lincoln*.

Favors ſhewed to Recuſants by the Kings Order.

Jacobi 20. 1622.

THat whereas he had formerly given order for the releaſe of Recuſants by removing them from the ſeveral Goals of this Kingdom, to be bailed before the Juſtices of his Bench: And finding that this courſe will be troubleſome to the poorer ſort of them, he doth now require that Writs be directed to the Juſtices of Aſſizes, enabling and requiring them to enlarge ſuch Recuſants as they ſhall finde in their ſeveral Goals, upon ſuch conditions and ſecurities as were required by the Judges of his Bench. Accordingly the Writs were iſſued forth under the Great Seal, and the Lord Keeper wrote to the Judges on this manner.

That

20 *Jacobi.*

THat the King having upon deep Reaſons of State, and in expectation of the like correſpondence from Forein Princes to the Profeſſors of our Religion, reſolved to grant ſome Grace to the impriſoned Papiſts, had commanded him to paſs ſome Writs under the Broad Seal for that purpoſe: Wherefore it is his Majeſties pleaſure, that they make no niceneſs or difficulty to extend his Princely favor to all ſuch as they ſhall finde priſoners in the Gaols of their Circuits for any Church Recuſancy, or refuſing the Oath of Supremacy, or diſperſing of Popiſh Books, or any other point of Recuſancy that ſhall concern Religion onely, and not matters of State.

But a general offence was taken at this Indulgence to Papiſts, and the Lord Keepers Letter to the Judges, which, how the Keeper endevored to renounce, may be ſeen in his Letter written to a Perſon of Honor.

The Lord Keepers Letter excuſing the Kings favor towards Papiſts.

AS the Sun in the Firmament appears unto us no bigger then a Platter, and the Stars are but as ſo many Nails in the Pummel of a Saddle, becauſe of the enlargement and diſproportion between our eye and the object: So is there ſuch an unmeaſurable diſtance between the deep reſolution of a Prince, and the ſhallow apprehenſions of common and ordinary people; That as they will ever be judging and cenſuring, ſo they muſt needs be obnoxious to error and miſtaking: The King is now a moſt Zealous Interceſſor for ſome eaſe and refreſhment to all the Proteſtants in Europe, *which were unreaſonable, if he did now execute the rigor of his Laws againſt the* Roman *Catholicks.*

Our Viperous Countrymen, the Engliſh Jeſuites in France, *had many moneths before this favor granted, invited the French King, by writing a malicious Book, to put all the Statutes in execution againſt the Proteſtants in thoſe parts, which were Enacted in* England *againſt the Papiſts, and (as they falſly informed) ſeverely executed. Beſides, theſe Papiſts are no otherwiſe out of priſon, then with their ſhackles about their heels, ſufficient Sureties, and good Recognizances to preſent themſelves at the next Aſſizes; and their own demeanor, and the ſucceſs of his Majeſties Negotiations muſt determine whether they ſhall continue in this Grace.*

But to conclude from the favor done to the Engliſh Papiſts, that the King favors the Romiſh Religion, is a compoſition of Folly and Malice, little deſerved by a gratious Prince, who by Word, Writing, Exerciſe of Religion, and Acts of Parliament, hath demonſtrated himſelf ſo reſolved a Proteſtant.

As for his own Letter to the Judges, he ſaid it recited onely four kindes of Recuſancy capable of the Kings clemency, not ſo much to include them, as to exclude many other Crimes bearing the name of Recuſancy, as, uſing the Function of a Romiſh Prieſt, ſeducing the Kings Leige-people from the eſtabliſhed Religion, aſperſing the King, Church, or State, or the preſent Government.

All which Offences, being outward practices, and no ſecret motions of the Conſcience, are adjudged by the Laws of England *to be meerly Civil and Political, and are excluded by the Letter from the benefit of thoſe Writs.*

But

An. 1622.

But becauſe the peoples mouths were open, and ſome Preachers were too buſie, and the *Puritan* party increaſed, the King gave directions for the regulation of the Miniſtry, in his Letters to the Lord Archbiſhop of *Canterbury*.

The Kings Letter to the Archbiſhop for regulating the Clergy.

MOſt Reverend Father in God, Right truſty and intirely beloved Counſellor, we greet you well. Foraſmuch as the abuſes and extravagancies of Preachers in the Pulpit, have been in all times ſuppreſſed in this Realm by ſome Act of Council, or State, with the Advice and Reſolution of grave and learned Prelates, inſomuch that the very Licencing of Preachers had beginning by an Order of Star-Chamber, the Eighth day of July, *in the Nineteenth year of the Reign of King* Henry *the Eighth, our Noble Predeceſſor: And whereas at this preſent divers yong Students by reading of late Writers, and ungrounded Divines, do broach many times unprofitable, unſound, ſeditious, and dangerous Doctrines, to the ſcandal of the Church, and diſquiet of the State and preſent Government. We upon humble Repreſentations unto us of theſe Inconveniencies by your ſelf, and ſundry other grave and reverend Prelates of this Church, as alſo of our Princely care and zeal for the extirpation of Schiſm and Diſſention growing from theſe Seeds, and for the ſettling of a religious and peaceable Government, both in Church and Commonwealth, Do by theſe our ſpecial Letters, ſtraitly charge and command you to uſe all poſſible care and diligence, that theſe Limitations and Cautions herewith ſent unto you, concerning Preachers, be duly and ſtrictly from henceforth put in practice, and obſerved by the ſeveral Biſhops within your Juriſdiction. And to this end our pleaſure is, that you ſend them forthwith Copies of theſe Directions, to be by them ſpeedily ſent and communicated unto every Parſon, Vicar, Curate, Lecturer, and Miniſter in every Cathedral or Pariſh Church within their ſeveral Dioceſſes; and that you earneſtly require them to employ their utmoſt endeavors in the performance of this ſo important a buſineſs; letting them know, That we have a ſpecial eye unto their proceedings, and expect a ſtrict accompt thereof, both from you and every of them. And theſe our Letters ſhall be your ſufficient Warrant and Diſcharge in that behalf.*

Given under our Signet at our Caſtle of Windſor, *&c.*

Directions concerning Preachers ſent with the Letter.

Directions concerning Preachers.

I. "THat no Preacher under the Degree and Calling of a Biſhop or "Dean of a Cathedral, or Collegiat Church (and they upon "the Kings days, and ſet Feſtivals) do take occaſion by the ex- "pounding of any Text of Scripture whatſoever, to fall into any ſet diſ- "courſe or common place, otherwiſe then by opening the Coherence "and Diviſion of the Text; which ſhall not be comprehended and war- "ranted in Eſſence, Subſtance, Effect, or Natural inference, within ſome "one of the *Articles* of Religion ſet forth One thouſand five hundred "ſixty and two; or in ſome of the *Homilies* ſet forth by Authority of "the Church of *England:* Not onely for a help for the Non-Preaching, "but withal for a pattern and boundary (as it were) for the Preaching "Miniſters. And for their further Inſtructions for the performance here- "of, that they forthwith read over and peruſe diligently the ſaid Book "of *Articles*, and the two Books of *Homilies*.

II. "That

20 *Jacobi.*

II. "That no Perſon, Vicar, Curate, or Lecturer, ſhall Preach any "Sermon or Collation hereafter, upon Sundays and Holidays in the "afternoon, in any Cathedral or Pariſh Church throughout the King- "dom; but upon ſome part of the Catechiſm, or ſome Text taken out of "the Creed, Ten Commandments, or the Lords Prayer, (Funeral Ser- "mons onely excepted.) And that thoſe Preachers be moſt encouraged, "and approved of, who ſpend the Afternoons Exerciſe in the Examina- A "tion of Children in their Catechiſm, which is the moſt antient and, "laudable cuſtom of Teaching in the Church of *England*.

III. "That no Preacher of what Title ſoever under the degree of "a Biſhop or Dean at the leaſt, do from henceforth preſume to Preach "in any Popular Auditory, the deep points of Predeſtination, Election, "Reprobation, or of the Univerſality, Efficacy, Reſiſtibility, or Ir- "reſiſtibility of Gods Grace, but leave thoſe Themes rather to be "handled by the Learned Men, and that Moderately and Modeſtly B "by way of Uſe and Application, rather then by way of Poſitive "Doctrines, being fitter for the Schools, then for ſimple Audi- "tories.

IV. "That no Preacher of what Title or Denomination ſoever, "from henceforth ſhall preſume in any Auditory within this Kingdom, "to declare, limit, or bound out, by way of Poſitive Doctrine in any "Lecture, or Sermon, the Power, Prerogative, and Juriſdiction, Au- "thority or Duty of Sovereign Princes, or otherwiſe meddle with C "matters of State, and the differences between Princes and the peo- "ple, then as they are inſtructed and preſidented in the Homilies of "Obedience, and the reſt of the Homilies and Articles of Religion "ſet forth (as before is mentioned) by Publick Authority, but ra- "ther confine themſelves wholly to thoſe two heads of Faith and "good Life, which are all the Subject of the Antient Sermons and "Homilies.

V. "That no Preacher of what Title or Denomination ſoever, D "ſhall preſume cauſeleſly, or (without invitation from the Text) to "fall into bitter Invectives and undecent railing Speeches againſt the "perſons of either Papiſts or Puritans, but modeſtly and gravely, when "they are occaſioned thereunto by the Text of Scripture, free both the "Doctrine and the Diſcipline of the Church of *England* from the aſper- "ſions of either Adverſary, eſpecially where the Auditory is ſuſpected "to be tainted with the one or the other infection.

VI. Laſtly, "That the Archbiſhops and Biſhops of the Kingdom E "(whom his Majeſty hath good cauſe to blame for their former remiſs- "neſs) be more wary and choice in their Licencing of Preachers, and "revoke all Grants made to any Chancellor, Official, or Commiſſary, "to paſs Licences in this kinde: And that all the Lecturers throughout "the Kingdom of *England* (a new body ſevered from the Antient "Clergy, as being neither Parſons, Vicars, nor Curates) be Licenced "hence-forward in the Court of Faculties, by Recommendation of the "party, from the Biſhop of the Dioceſs under his Hand and Seal, with a F "*Fiat* from the Lord Archbiſhop of *Canterbury*, a Confirmation under "the Great Seal of *England*. And that ſuch as do tranſgreſs any one of "theſe Directions, be ſuſpended by the Biſhop of the Dioceſs, or in his "Default by the Archbiſhop of the Province, *Ab officio & beneficio*, for "a year and a day, until his Majeſty by the Advice of the next Convo- "cation ſhall preſcribe ſome further puniſhment.

An. 1622.

These Directions were warily communicated by the Archbishop of *Canterbury* to the Bishops within his Province.

The new K. of *Spain*, *Philip* the Fourth, procures the Popes assent to the Match.

The King lost no time in pursuing the Match with *Spain*; but the Dispensation from *Rome*, which was the Key of the business, had long lain in a kinde of Dead-Palsie, till the new King of *Spain* had by a Letter quickned the Pope; whereupon there ensued a Congregation of Cardinals to determine the matter, and afterwards the Popes assent: And then the Court of *Spain* declared such an intire Agreement for the Alliance with *England*, that King *James* was satisfied, and could expect no further difficulty. A

The *Infanta* cools in the *Palsgraves* business.

But his intelligence from *Bruxels*, and all other parts of the World, did quickly cool, and almost quench his hopes. Sir *Richard Weston* was a man approved by *Gondomar*, who commended the Kings wisdom in the Election of so fit a Minister for the Treaty at *Bruxels*; yet the man so well disposed and suited to the Kings designs, wrote desperate Letters of the *Infanta*'s cold and unworthy manner of Treating in that important business of restoring the *Palsgrave*. B

The pretended Obstacles of the Treaty removed.

Whilest the King of *Englands* proceedings were so just and clear, the Count *Palatine* was retired to *Sedan*, and there sojourned with his Uncle the Duke of *Bouillon*, and his Partizans, Duke *Christian* of *Brunswick*, and Count *Mansfield*, the pretended obstacles of the Treaty, were removed, and had taken another course. *Mansfield* went for *Holland*, where the States intended to use him for the raising of the siege of *Bergen*, by cutting off the Convoys between *Antwerp* and the Spanish League: And King *James* had lately offered, That in case the forces of *Mansfield* and *Brunswick* would not rest, but still perturb the Treaty, he would joyn with the Emperor, and the Arch-Dutchess, to quiet them: And the English Companies in the *Palatinate* being penned up in Garrisons, could not cause disturbance. C

Heidelburgh besieged.

In the mean while, that miserable Countrey was burnt and sacked in the sight of the English Ambassador. And now the Imperial and Bavarian forces fall to the besieging of *Heidelburgh*. D

When the Ambassador at *Bruxels* complained of these proceedings, he received frivolous Answers mixed with Recriminations. All that *Weston* obtained, was, onely Letters of intreaty from the *Infanta* to the Emperors Generals to proceed no further, though she had before acknowledged a full power from the Emperor to conclude the desired Cessation: But they pretended that they would restore all, when all was taken.

For this cause Sir *Richard Weston* acquainted the Marques of *Buckingham*, that he could not discern how the weak Hopes given him at *Bruxels*, could agree with those strong Assurances given by the Lord *Digby* from the Court of *Spain*. E

Moreover to protract the *Palsgraves* business, the Emperor takes occasion to appoint a Dyet at *Ratisbone*, contrary to his own promise, as himself acknowledged.

New Conditions demanded of the King before the Pope gives a Dispensation.

Mr. *Gage* returned from *Rome*, with no better fruit of his Agency; for the Dispensation cannot pass, till the King give satisfaction to a number of new Conditions, which before were never dreamed of, and had this mischief in them to bring the King in jealousie with the greatest part of his Subjects. A peece of Juggling was observed in this Negotiation: For some points of larger Indulgence whereunto King *James* had yielded, were concealed from the Pope by the Ministers of the King of *Spain*. F

The

20 *Jacobi.*

The Court then deviſed to put a good face upon an ill Game, and good Sawce to an unſavory Diſh: For all the World expecting that *Gage* ſhould bring the Diſpenſation at his firſt arival, they made him give out, That it was paſſed in *Rome*, and ſent from thence to *Spain*.

But the King made a cloſe purſuit, and reſolved they ſhould not eſcape him. The Popes Demands ſuperadded to the Articles of Marriage were taken in hand, and Reſolutions were given upon them in manner following.

A

To the Demand of a Publick Church in *London*, beſides a Domeſtick Chappel, aſſigned to the *Infanta* and her Family, the King made Reply,

The Kings Anſwer to the ſaid Demands.

That it was more then was aſſumed by himſelf, or his Son the Prince, That the Chappel allowed was not a private Oratory, but in effect a Church, where the World might take notice of the Religion

B

which the *Infanta* profeſſed in publick manner.

To another Demand, That the Superior Miniſter having Eccleſiaſtical Authority, be in *Ordine Epiſcopali*; he anſwered, That he would leave it to the King of *Spain* to appoint as he ſhall judge expedient.

But whereas the Pope required, That the Eccleſiaſticks be ſubject to no Laws but of their own Eccleſiaſtical Superiors; his anſwer was, That exemption ſeemed ſtrange, as not allowed in all States and Countreys that were of the *Roman* Religion.

C

As for the Education of the Children under the Mothers government; Let the King of *Spain* judge indifferently (ſaid the King) how unfit it were for us to declare to the World, That we engaged our ſelf to permit our Grand-children to be brought up unto years of Marriage, in a Religion which we profeſs not, and which is not publickly profeſſed in our Kingdom. And further then we have already aſſented in general, to leave the Children under the Mothers tuition for a longer or ſhorter time, according to their conſtitution and health, (which may poſſibly

D

reach unto the time required by the Pope) We can by no means condiſcend, unleſs the King of *Spain* think it fit to limit the time to a certainty.

And whereas the Pope expected ſome larger offers for the general good of the *Roman* Church; the King ſhewed, That the Articles of Religion agreed upon between himſelf, and the late King of *Spain*, were accounted ſo ſatisfactory in the judgment of the Learneſt, and greateſt Clergy of *Spain*, That they declared their opinion, that upon the

E

offer of ſuch Conditions, the Pope ought not to withhold the Diſpenſation.

And he ſaid further, That the Pope was ſatisfied, that he of his own Authority could not grant a general Liberty of exerciſing the *Roman* Religion; And what is it that they would have? For ſetting that aſide, he had in a manner done already all that was deſired, as all the *Roman* Catholicks have found, out of his gratious Clemency towards them, and will no doubt acknowledge.

F

This Reſolution the King ſent into *Spain* (for he would not ſeem to Treat with *Rome*) and therewith this Letter to the Lord *Digby*, now made Earl of *Briſtol*.

An. 1622.

The King sends his Resolution to *Digby* in *Spain*, now made Earl of *Briſtol*.

Right Truſty and Welbeloved,

OUr pleaſure is, that immediately you crave Audience of that King, and repreſent unto him the merit that we may juſtly chalenge to our ſelf, for our ſincere proceedings with the Emperor and him: Notwithſtanding the many Invitations and Temptations, we have had to engage our ſelf on our Son in Laws part. That we have both from the Emperor, and from him, hopes given us from time to time of extraordinary reſpect, (howſoever our Son in Law had deſerved) which we have attended and expected, even to the laſt with much patience, and in deſpight as it were of all oppoſition, which might ſhake our Reſolution in that behalf: If now, when all impediments are removed, and the way is ſo prepared, as that the Emperor may give an end unto the War, and make ſome preſent Demonſtration of his reſpect towards us, in leaving us the honor of holding thoſe poor places which yet remain quietly, and peaceably, until the general Accommodation, the ſame ſhall nevertheleſs be violently taken from us; What can we look for, if the whole ſhall be in his hands and poſſeſſion? who amuzing us with a Treaty of Ceſſation, and protracting it induſtriouſly (as we have reaſon to believe) doth in the mean time ſeize himſelf of the whole Countrey. Which being done, our Ambaſſador ſhall return with ſcorn, and we remain in diſhonor: And therefore as we have heretofore ſundry times promiſed in teſtimony of the ſincerity of our proceedings, and of our great deſire to preſerve the Amity inviolable between us, and the whole Houſe of Auſtria; *that in caſe our Son in Law would not be governed by us, that then we would not onely forſake him, but take part and joyn our forces with the Emperors againſt him. So you may fairly repreſent unto that King, That in like manner we have reaſon to expect the ſame meaſure from him: That upon the Emperors averſneſs to a Ceſſation, and Accommodation, he will likewiſe actually aſſiſt us for the recovery of the* Palatinate, *and Electoral Dignity to our Son in Law, as it hath been often times intimated from* Spain. *Yet our meaning is to carry all things fair with that King, and not to give him any cauſe of diſtruſt or jealouſie, if you perceive that they intend to go really and roundly on with the Match: Wherein nevertheleſs we muſt tell you, That we have no great cauſe to be well-pleaſed with the diligencies uſed on that part, when we obſerve that after ſo long an expectance of the Diſpenſation, upon which the whole buſineſs, as they will have it, depends, there is nothing yet returned but Queres and Objections.*

We have thought fit to let you know, how far we are pleaſed to enlarge our ſelf concerning thoſe points demanded by the Pope: And further then that, ſince we cannot go without much prejudice, inconvenience, and diſhonor to our ſelf, and our Son; we hope and expect that the King of Spain *will bring it inſtantly to an iſſue without further delay, which you are to preſs with all diligence and earneſtneſs: But if reſpite of time be earneſtly demanded, and that you perceive it not poſſible for them to reſolve until an anſwer come from* Rome, *We then think it fit, that you give them two moneths time after your Audience, that we may underſtand that Kings final Reſolutions before* Chriſtmas *next at the furtheſt.*

Likewiſe the *Conde Gondomar* who was lately called home, is roused by a Letter from *England*, on this manner.

"Here

20 Jacobi.

"HEre is a King, and a Prince, and a faithful Friend and Servant, "*Buckingham*, beſides a number of other Friends, to whom every "day ſeems a year, till the Match be accompliſhed; all things are pre- "pared on our parts, Prieſts and Recuſants are at liberty, and the Priſons "are filled with zealous Miniſters: Orders are publiſhed for the Univer- "ſities and Pulpits, that none ſhall hereafter be medling, but that all A "Preach Chriſt crucified.

Likewiſe a Letter was ſent to *Gondomar*, newly recalled into *Spain*.

"His Majeſty never looked to the riſing or falling hopes of his Son "in Laws fortunes, but kept in the ſame courſe that ſeems moſt agree- "able to Honor and Juſtice, and the Peace of Chriſtendom. And *Gondo-* "*mar* did beſeech the King to ſuffer himſelf once to be deceived by *Spain*, "and promiſed when the Match was firſt moved, and the King per- "ſwaded to break with *France*, That he ſhould be preſt to nothing, but "what might ſtand with Conſcience and Honor, and the love of his B "people.

"And whereas the Pope would know what *Bonum Publicum* will be "granted, We remit it to your Conſcience, whither the favors daily "granted to Catholicks, which the King reſolves to continue, if not to "increaſe, be not a real publick good, conſidering if the Match break "off, his Majeſty will be importunately urged by his people, to whoſe "aſſiſtance he muſt needs have recourſe, to give life and execution to all "Penal Laws, now hanging over the heads of Catholicks.

C

According to the Kings direction, the Earl of *Briſtol* preſented a Memorial to the King of *Spain*, and from him and his Miniſters received this return.

The Anſwer to the Memorial preſented by the Earl of *Briſtol* to the Spaniſh King.

"That for the accompliſhing of the Match on their part, there ſhould "not one day be loſt; for the diſpatch thereof imported them no leſs then "the King of Great *Britain*: And for the *Palatinate*, they will ſeek his in- "tire ſatisfaction; and they refer it to his own juſt judgment, whether D "their forces were called out of the *Palatinate*, with an evil intention, or "meerly for the defence of *Flanders*, which otherwiſe had been put in "great hazard by Count *Mansfield*: That the beſieging of *Heidelburgh* "was no way by their conſent, or knowledge, but was generally diſap- "proved by them. And if it ſhould be taken, and the Emperor refuſe to "reſtore it, or to condiſcend to ſuch Accommodation as ſhould be ad- "judged reaſonable, the King of Great *Britain* ſhall be infallibly aſſiſted "with the Arms of *Spain* for the reſtoring of the *Palatine*.

Briſtol gives the King hope of the Match.

And as concerning the Match, *Briſtol* ſeemed ſo confident as to de- E clare to the King his Maſter, "That he ſhould not willingly give his Ma- "jeſty hope upon uncertain grounds; ſo he would not conceal what the "Spaniſh Court profeſſed, which was to give his Majeſty both real and "ſpeedy ſatisfaction. And he affirmed, If they intended it not, they were "falſer then all the Devils in Hell, for deeper Oaths and Proteſtations of "Sincerity could not be made.

Heidelburgh taken.

But in the mean while, the Town and Caſtle of *Heidelburgh* were F taken, and the Engliſh Companies put to the Sword, and Sir *Edward Herbert* the Governor was ſlain, after he had broken four Pikes in charging the Enemy. The beſieging of *Manheim*, and the blocking of *Franken- dale*, followed the loſs of *Heidelburgh*.

The King provoked, ſends his former Reſolutions with a new diſpatch into *Spain*.

King *James* provoked by the continual progreſs of theſe Indignities, was impatient of ſtaying for a Reply from *Spain* to his former Letters, but

An. 1622.

but ſeconded thoſe Reſolutions with a vehement new diſpatch, the Third of *October*, in a peremptory ſtile, as it well became him; Commanding the Earl of *Briſtol*, to let that King underſtand how ſenſible he was of the Emperors proceedings towards him; and withal, not a little troubled to ſee that the *Infanta* at *Bruxels*, having an abſolute Commiſſion from the Emperor, to conclude a Ceſſation and Suſpenſion of Arms, ſhould now at laſt, when all Objections were anſwered, and the former ſolely pretended Obſtacles removed, not onely delay the Concluſion of the Treaty, but refuſe to lay her Commands upon the Emperors Generals for abſtaining from the Gariſons, during the Treaty, upon a pretext of want of Authority: So as for the avoiding of further diſhonor, he hath been forced to recal both his Ambaſſadors, as well the Chancellor of his Exchequer from *Bruxels*, as alſo the Lord *Chichester*, whom he intended to have ſent unto the Emperor to the Dyet at *Ratisbone*.

He further enjoyned his Ambaſſador, That having delivered his ſenſe of things, he ſhould demand of the King of *Spain* a promiſe under his Hand and Seal, that the Town and Caſtle of *Heidelburgh* ſhall be delivered to the *Palatine* within ſeventy days after the Audience, and the like for *Manheim* and *Frankendale*, if they be taken. That within the ſaid term of ſeventy days a Suſpenſion of Arms in the *Palatinate* be concluded upon the Conditions laſt propounded by Sir *Richard Weſton* at *Bruxels*; and that a general Treaty ſhall be again ſet on foot upon ſuch honorable terms as were tendered to the Emperor in *November* laſt. But if theſe particulars be refuſed or delayed by the Emperor, that the King of *Spain* ſhall joyn forces with the King of Great *Britain*, for the recovery of his Childrens Honors and Patrimony. And if he cannot give aſſiſtance, that he will at leaſt allow him a free and friendly paſſage through his Territories for the forces to be employed in that ſervice.

Of theſe points diſtinctly, if the Ambaſſador ſhould not receive a direct aſſurance, he was to take his leave of that King, and to return into his Maſters preſence. But the King annexed this private Inſtruction, That in caſe a Rupture happened, it might be managed to the beſt advantage. Wherefore he ſhould not inſtantly come away, but ſend him ſecret intelligence, and in publick give out the contrary.

In the mean time *Manheim* is taken.

Immediately upon theſe Demands, an Order was ſent from *Spain* to *Bruxels*, for the relief of *Manheim*, but it came too late; for before the arival thereof, the Town was yielded into the hands of *Tilly*: But had it come in ſeaſon, the effect thereof might be gueſſed by *Tilly*'s Reaſons preſented to the Arch-Dutcheſs againſt raiſing the ſiege of *Manheim*, and the reſtoring of *Heidelburgh*, to this purpoſe.

That he could not do it without the Emperors expreſs conſent, and that the winning of *Manheim* was to be haſtned to prevent the machinations of evil Neighbors, who were plotting new Commotions in favor of the Count *Palatine*, and eſpecially to obviate the deſigns of Count *Mansfield*.

And laſtly, That the Emperor and the Catholick League, having ſetled all *Germany*, might give the Law to their Oppoſites, and ſettle a peace upon their own terms.

The Emperors Intentions to King *James* not good.

How little the Emperor attributed to the Kings Humanity, and upright dealing, which he applauded in ſhew, might be diſcerned by ſure Advertiſements of his purpoſe, to propound in the Dyet at *Ratisbone*, his promiſe of tranſlating the *Palatine* Electorate to the Duke of *Bavaria*, as a thing irrevocable.

More-

Moreover, the King of *Spain*, the Fifth of *November*, 1622. in the height of those Professions made to the English Ambassador, touching the Marriage, wrote on this manner to his Grand Favorite, the *Conde Olivares*. 20 *Jacobi.*

Nor the King of *Spains*, witness his Letter to *Conde Olivares*.

A *THe King my Father declared at his Death, That his intent never was to marry my Sister, the* Infanta Donna Maria *with the Prince of* Wales, *which your Uncle* Don Balthazar *understood, and so treated this Match ever with intention to delay it; notwithstanding it is now so far advanced, that considering all the averseness unto it of the* Infanta, *it is time to seek some means to divert the Treaty, which I would have you finde out, and I will make it good whatsoever it be. But in all other things procure the satisfaction of the King of Great* Britain *(who hath deserved much) and it shall content me, so that it be not in the Match.*

B *Olivares* wrote a Letter deliberative, the Eighth of *November*, 1622. and propounded an Expedient to the King of *Spain*, in these words.

Olivares Answer.

SIR, Considering in what estate we finde the Treaty of Marriage between Spain *and* England, *and knowing certainly how the Ministers did understand this business that Treated it in the time of* Philip *the Third, that is in Heaven, that their meaning was never to effect it, but by enlarging the Treaties and Points of the said Marriage, to make use of the Friendship of the King of* C *Great* Britain, *as well in matters of* Germany, *as those of* Flanders: *And imagining likewise that your Majesty is of the same opinion (though the Demonstrations do not shew so) joyning to these Suppositions; that it is certain the* Infanta Donna Maria *is resolved to put her self into a Monastery the same day that your Majesty shall press her to this Marriage: I have thought fit to represent unto your Majesty, that which my good zeal hath offered me in this occasion, thinking it a good time to acquaint your Majesty withal, to the end you may re-* D *solve of that which you shall finde most convenient, with the advice of those Ministers you shall think fit to make choice of.*

The King of Great Britain *doth finde himself at this time equally engaged in two businesses; the one is this Marriage, to which he is moved by the conveniencies he findes in your Majesties friendship, by making an Agreement with those Catholicks that he thinks are secretly in his Kingdom; and by this to assure himself of them, as likewise to marry his Son to one of the House of* Austria, *knowing, that the* Infanta Donna Maria *is the best born Lady in the World. The other business is, the restitution of the* Palatinate, *in which he is more engaged;* E *for beside that his Reputation is at stake, there is added the love and interest of his Grand-children, Sons of his onely Daughter: So that both by the Law of Nature and Reason of State, he ought to put that forward, whatever inconveniencies might follow by dissembling what they suffer.*

I do not dispute whither the King of Great Britain *be governed in this business of the* Palatinate *by Act or Friendship; I think a man might say he used both, but as a thing not precisely necessary to this Discourse, I omit it. I hold it for a Maxim, that these two Engagements in which he findes himself,* F *are inseparable; for although the Marriage be made, we must fail of that which in my way of understanding is most necessary, the restitution of the* Palatinate.

This being supposed, Having made this Marriage in that form as it is Treated, your Majesty shall finde your self, together with the King of Great Britain, *engaged in a War against the Emperor and the Catholick League: A thing which to hear, will offend your godly ears, or declaring your self for the*

Emperor,

An. 1622. *Emperor, and the Catholick League, as certainly your Majesty will do, then you will finde your self engaged in a War against the King of* England, *and your Sister married with his Son; with the which, all whatsoever reasons of Conveniency that were thought upon in this Marriage, do cease. If your Majesty shall shew your self Neutral, as it may be some will propound; That, first, will cause very great scandal, and with just reason, since in matters of less opposition, then of Catholicks against Heretcks, the Arms of this Crown have taken the godly part, against the contrary party; and at this time the Frenchmen fomenting the Hollanders against your Majesty, your Piety hath been such, that you have sent your Arms against the Rebels of that Crown, leaving all the great considerations of State, onely because these men are Enemies to the Faith, and the Church.* A

It will oblige your Majesty, and give occasion to those of the League to make use of the King of France, *and of other Catholick Princes ill-affected to this Crown; for it will be a thing necessary for them to do so: And those even against their own Religion, will foment and assist the Hereticks for hatred to us. Without doubt they will follow the other party, onely to leave your Majesty with that blemish, which never hath befaln any King of these Dominions. The King of* England *will remain offended and enraged, seeing that neither interest, nor helps do follow the Alliance with this Crown, as likewise with Pretext of particular resentment, for having suffered his Daughter and Grand-children to be ruined for respect of the said Alliance.* B

The Emperor though he be well-affected and obliged to us in making the Transtution at this time, as businesses now stands, (the Duke of Bavaria *being possessed of all the Dominions) although he would dispose all according to our Conveniencies, it will not be in his power to do it, as your Majesty and every body may judge; and the Memorial that the Emperors Ambassador gave your Majesty yesterday, makes it certain; since in the List of the Soldiers, that every one of our League is to pay, he sheweth your Majesty, that* Bavaria *for himself alone, will pay more then all the rest joyned together; the which doth shew his power and intention, which is not to accommodate matters, but to keep to himself the Superiority of all in this broken time; the Emperor is now in the Dyet, and the Transtation is to be made in it.* C

The Proposition in this estate, is by considering the means for a Conference, which your Majesties Ministers will do with their Capacities, Zeal, and Wisdom; and it is certain they will herein have enough to do. For the difficulty consists to finde a way to make the present estate of affairs straight again, which with lingring, as it is said, Both the power and time will be lost. I suppose the Emperor, as your Majesty knoweth by his Ambassador, desires to marry his Daughter with the King of Englands *Son. I do not doubt but he will be likewise glad to marry his Second Daughter with the* Palatines *Son: Then I propound that these two Marriages be made, and that they be set on foot presently, giving the King of* England *full satisfaction in all his Propositions for the more strict Union and Correspondency, that he may agree to it. I hold for certain, that all the Conveniences that would have followed the Alliance with us, will be as full in this: and the Conveniencies in the great Engagement are more by this; for it doth accommodate the matter of the* Palatinate, *and Succession of his Grand-children with Honor, and without drawing a Sword, and wasting Treasure. With this Interest, the Emperor with the Conveniencies of the King of* England *and the* Palatinate, *the onely means in my way of understanding to hinder those great dangers that do threaten, may accommodate the business, and not sever himself from the Conveniencies and Engagements of* Bavaria; *and after I would reduce the Prince Elector, that was an enemy, to the obedience of the Church, by breeding his Sons in the Emperors Court with Catholick Doctrine.* D E F

The

20 Jacobi.

The Buſineſs is great, the Difficulties greater perchance then have been in any other caſe. I have found my ſelf obliged to preſent this unto your Majeſty, and ſhall ſhew, if you command me, what I think fit for the diſpoſing of the things, and of the great Miniſters which your Majeſty hath. I hope, with the particular Notes of theſe things, and all being helped with the good zeal of the Conde Gondomar, *it may be, God will open a way to it, a thing ſo much for his, and your Majeſties ſervice.*

Such Conſultations had the Catholick King in his Cabinet-Council, whilſt he pretended ſo much zeal to a Cloſure with *England:* Inſomuch that King *James* profeſſed to have taken great contentment in the Diſpatches of the Earl of *Briſtol*, as full and ſatisfactory. And though the Order ſent to the Archdutcheſs for the Relief of *Anheim* arrived too late, yet he acknowledged it to be an argument of that Kings ſincere intentions.

But the Kings hopes were ſtill deferred, and theſe Delays were palliated by the ſtop of the Diſpenſation, till the Pope were further ſatisfied in the time of the Childrens education under the Mothers government, and the exemption of Eccleſiaſtical perſons from all Secular juriſdiction. And the *Spaniards* did not ſpare to ſtretch the Kings ductile ſpirit: For he was willing to ſtand obliged by a private Letter, that the Children ſhould be kept under the Mothers wing till the age of Nine years; but he deſired for Honors ſake, that no more then Seven might be expreſt in the Publique Articles.

But this Enlargement would not ſatisfie; He muſt come up to the allowance of Ten years, which was the loweſt of all to be expected; and ſo he was brought at length to wave his Honor, and to inſure this Conceſſion by a Publique Ratification. And for the Exemption of Eccleſiaſticks from the Secular power; thus far he yielded, That the Eccleſiaſtical Superior do take notice of the offence that ſhall be committed, and according to the merit thereof, either by Degradation deliver him to Secular Juſtice, or baniſh him the Kingdom.

Briſtol's importunate Negotiation procured this Anſwer from the King of *Spain*. Firſt, touching the Marriage, being deſirous to overcome all difficulties that might hinder this union, he had endeavoured to conform himſelf with the Reſolutions given by the King of *Great Britain* to the Popes Propoſitions, and had diſpatched a Poſt to *Rome*; that his Holineſs judging what hath been here concluded, and held ſufficient, might grant the Diſpenſation, which he engageth to procure within three or four moneths at the fartheſt: And in the interim, that no time be loſt, the remaining Temporal Articles ſhall be treated and concluded.

Briſtols Anſwer from the King of *Spain*.

As touching the *Palatinate*, by his late Diſpatches into *Flanders*, due courſe is taken to ſettle all things as may be deſired: But until it be known what effects the ſame hath wrought, and what the Emperor will reply, no Anſwer can be given in writing to the Particulars contained in the Ambaſſadors Memorial.

Moreover, the Popes Demands to which King *James* took exceptions, being now accommodated by the King of *Spain*, were ſent into *England*, and preſently ſigned by the King and Prince, without the change of a word.

The Popes Demands ſigned by the King and Prince.

An. 1622.

King *James* having ſtrong aſſurance that the Diſpenſation muſt needs be granted ſpeedily, appointed his Agent *Gage*, who was now again at *Rome*, to preſent to the Pope and certain Cardinals thoſe Letters which lay in his hand to be delivered at a fit ſeaſon. The Kings Letter to the Pope, gave him the ſtile of *Moſt Holy Father*. Likewiſe he directed the Earl of *Briſtol* to proceed to the Temporal Artieles, and to conſummate the whole buſineſs.

Frankendale block'd up by *Papenheim.*

But while the King had ſo much zeal and confidence in his Applications to *Spain* and *Rome*, the *Palatinate* is left at random, upon the *Spaniards* looſe and general promiſes: For, Colonel *Papenheim* had block'd up *Frankendale*, the onely Hold whereby the *Palſgrave* kept a footing in his ruined Country. The Imperialiſts laughed to think that the Engliſh Garriſon ſhould expect Relief by the Orders ſent from *Spain* to *Bruxels*: And when the King had made an offer to ſequeſter the Town of *Frankendale* into the *Infanta's* hands, upon the ſame aſſurance from her which herſelf had offered before the loſs of *Manheim*, (which was to reſtore the place, whether a peace with the Emperor, or a rupture followed) ſhe was fallen away from that propoſition, and would accept the ſequeſtration only upon a ſimple truſt to render it again at the expiration of eighteen moneths.

The King writes to *Briſtol.*

In this ſtate of affairs, the King wrote thus to his Ambaſſador in the Spaniſh Court. *Concerning the unfortunate knotty affair of the* Palatinate, *to ſay the truth, as things now ſtand, we cannot tell what you could have done more then you have already done.* Moreover he ſhewed, That the reaſon of his late peremptory Inſtructions concerning a direct Promiſe of Reſtitution, was the groſs delay at *Bruxels* while *Heidelburgh* was taken, and *Manheim* beleaguered: As alſo *Gages* coming from *Rome*, and in ſtead of the Diſpenſation, preſenting him with new demands to engage him in a Diſpute or Treaty with the Pope, which he ſaid he never intended. Wherefore at the inſtance and perſwaſion of his Council, he was moved to urge the matter ſo, as to bring it to a ſudden period: Not but that the preciſeſt of them were always of opinion, That if the Match were once concluded, the other buſineſs would be accommodated to his ſatisfaction. Then was the Ambaſſador required to ſtir up that King to uſe all effectual means for diverting the Tranſlation of the Electorate in the preſent Diet: Likewiſe to make him an offer of *Frankendale* by way of ſequeſtration, upon condition of reſtoring it in the caſe as now it ſtands, whether the Peace ſucceed or not.

The *Electorate* conferred upon the Duke of *Bavaria* in the Diet at *Ratisbone*.

But in the Diet held at *Ratisbone*, the Emperor declared the *Palatine* to be the Cauſe and groundwork of all thoſe Wars and miſeries; and that the Electorate of this proſcribed Enemy being devolved into his hands, he had conferred it upon the Duke of *Bavaria*, who in this Cauſe and ſervice had ſpent his Treaſure, and hazarded his blood againſt his own Nephew the *Palſgrave*.

The Proteſtant Princes plead for the *Palatine's* reſtitution.

The Proteſtant Princes deſired the Emperor to conſider, That in ſo high a Cauſe as the diſpoſing of an Electorate, and ſo principal a Perſon in the Colledge of Electors, who uncited, unheard, and without all knowledge of the Cauſe hath been condemned, and againſt all Equity oppreſſed by the Publication of the Ban; His Imperial Majeſty ſhould not have proceeded ſo rigorouſly without the advice and conſent of the other Electors, as was agreed upon in the Capitulation Royal, and Fundamental Law of the Empire. And ſince the Diet was called for reſtoring the Peace of the Empire, it were

20 *Jacobi.*

were neceſſary in the firſt place ro remove the Obſtacles, thoſe extreme Executions in *Bohemia*, which may make that people deſperate, and which the Lutheran States following the Auguſtane Confeſſion have their eyes upon. And though it be given out, that the ſeverity there exerciſed is merely for private Juſtice, yet it is ſo linked with the Publique Cauſe, that unleſs it be ſpeedily ended, and the two Churches in *Prague* again opened, and the free exerciſe of Religion permitted, they can ſee no ſure Peace, but
A deſolation and ruine like to follow. And for the Prince Palatine, ſeeing he is already ſufficiently puniſhed, it were commendable in his Imperial Majeſty to reſtore him, upon ſubmiſſion, to his Lands and Dignities; otherwiſe there is no likelihood of reſtoring Peace. And in transferring the Electorate, if it muſt be ſo, this main thing were to be conſidered, Whether the excluſion of the *Palſgrave's* perſon doth exclude his Children, who by the providence of their Anceſtors, before this act of their Father, had an hereditary right thereunto: Or whether that
B Prince's Brother, or other of the Kindred who have no way offended, ſhould be in this caſe neglected? This will be ill reſented by the other Electors and Princes allied to the *Palatine*, who have been quiet hitherto upon confidence of the Emperors clemencie; But perceiving all hopes of recovering the Electoral Dignity to their Family taken away, muſt needs have recourſe to Arms. They further added, That the *Palatine* was young, and abuſed by evil Counſels, and no way the Author of the ſtirrs in *Bohemia*. Wherefore they give their advice, That his reſtoring
C will quiet the otherwiſe endleſs troubles of the Empire, and for ever engage him and all his Allies, and the whole Electoral Colledge to his Imperial Majeſty.

The Catholick Princes reply.

The Catholick Princes anſwered, That the Palatinate being devolved upon the Emperor, he may beſtow it according to his own pleaſure; And that he cannot ſafely hold any terms of Amity with the *Palatine*: That the impunity of ſo great an Offender, will encourage others to offend: And as for by-paſt ſufferings, there hath been little
D difference between his and the Emperors, though the Cauſe were far different: And that *Mansfeld* his General is yet in the Field, and proſecutes his Cauſe by force of Arms.

The Proteſtants reaſſume the argument.

The other Party replied, That the ſecurity of the Imperial Dignity and the ſafety of the Empire conſiſted in the Concord between the Emperor and the Princes Electors; And if his Imperial Majeſty ſhall uſe this rigor, the Princes of *Lower Saxony* are of opinion that there can be no Peace eſtabliſhed: But this deſired Reconciliation will give the
E Emperor a quiet poſſeſſion of the Provinces recovered by the aid of the Electors and Princes; otherwiſe there is a fair pretenſion left for the renewing of the War, for that the *Palatines* Sons and Brother are paſſed by in the tranſlation of the Electorate; and the King of *Great Britain* cannot but take it ill, to ſee his endeavors produce no better effect, but that his onely Daughter and her Children are left in Exile.

The Emperor takes up the debate.

The Emperor takes up the debate, and ſheweth, That before the
F Ban was publiſhed, he deſired nothing more then that a Diet might be convoked; which being impeded by the proſecution of the War, he could do no leſs then publiſh this Proſcription to repreſs the *Palatine*; which ſome that now diſpute it, did then declare to be legal and neceſſary: And this proſcribed Enemy he will not reſtore to the Electoral Dignity, nor yet defer to compleat the number of Electors.

An. 1622.

Sir Dudley Carlton Resident at the Hague, sends his judgment of the matter to the Marquis of Buckingham.

Thus have we good words from *Spain*, and miserable usage from all the rest of the House of *Austria*. Sir *Dudley Carlton* Ambassador Resident at the *Hague*, assured the Marquis of *Buckingham*, That though the Spanish Ambassador *D' Ognat* in publique opposed the Emperor in transferring the Electorate, yet the judgment generally made upon it was this, That it was a meer Patelinage with a secret understanding to abuse King *James* his goodness. Likewise the Emperor not content to have chased the *Palsgrave* out of *Germany*, in the Propositions of the former Diet, made this an Article to make War upon the United Provinces, because (among other quarrels) they gave refuge to the expulsed *Palatine*. Nevertheless King *James* resolved to wait upon the Match with *Spain*, as the onely means to consolidate these publique fractures in Christendom. A

The Prince and the Marquis of Buckingham go to Spain.

And now behold a strange Adventure and Enterprise! The Prince and the Marquis of *Buckingham*, accompanied with *Cottington* and *Endimion Porter*, Post in Disguise to *Spain* to accelerate the Marriage. The 17. of *February* they went privately from Court, and the next day came to *Dover*, where they imbarqued for *Boloign*, and from thence rode Post to *Paris*, where they made some stop. The Prince, shadowed under a bushy Peruque, beheld the splendor of that Court, and had a full view of the Princess *Henrietta Maria*, who was afterwards his Royal Consort. For besides the great privacie of the Journey, they had so laid the English Ports, that none should follow or give the least advertisement, until they had gotten the start of Intelligencers, and passed the bounds of *France*. Howbeit they escaped narrowly, and a swift Intelligence sent to the King of *Spain* from *Don Carlos Coloma* was even at their heels before they arrived at *Madrid*. B C

Buckingham visits Olivares, and by him is conducted to the King.

The Prince and *Buckingham* being in the Territories of *Spain*, to make but little noise, rode Post before their Company. The 7. of *March* they arrived at *Madrid* the Royal residence, and were conveyed with much secrecie into the Earl of *Bristols* house. The next morning the Earl acquainted *Gondomar* with the arrival of the Marquis of *Buckingham*: *Olivares* sends immediately to desire leave to visit the Marquis, which was by no means permitted; but in the evening the Marquis went privately accompanied with the Earl of *Bristol*, Sir *Walter Aston*, and *Conde Gondomar*, and met this great *Conde* in a place near the Palace, and after some Converse was led by a back-way into the Kings quarter, and had private Audience of the King; who received him with extraordinary courtesies, and expressions of so great joy, that might signifie he was not ignorant of the Princes arrival also: Insomuch that the *Conde Olivares* having procured the Kings leave, went back with the Marquis of *Buckingham* and kissed the Princes hands. D E

Orders for the Prince's entertainment.

After this, the King and State devise how to give his Highness the most honorable reception. Instantly they decree, That upon all occasions of meeting he shall have the precedencie of the King; That he shall make his entrance into the Royal Palace in that form of State which is used by the Kings of *Spain* on the day of their Coronation, and that one of the chief quarters in the Kings house shall be prepared for his Lodgings; That an Hundred of the Guard attend him, and all the Council obey him as the Kings own person. F

The Common sort did magnifie this brave Adventure, and express his Welcom by shouts and acclamations of joy, and presently they marry him to the *Infanta* as it were by publique voice. And the King, to please him

20 *Jacobi.*

him with a ſight of his Miſtreſs, went abroad to viſit a Monaſtery, with the Queen, the *Infanta*, and his Brothers *Don Carlos* and the *Infant-Cardinal:* So that his Highneſs had the happineſs of a full View in ſeveral places.

The Prince ſees the *Infanta.*

The King in perſon gave him ſeveral Viſits, and forced him to take the hand and place of him. Divers Grandees and prime Officers of State came to preſent their ſervice, and as yet none did viſit him but by the
A Kings ſpecial order. A General Pardon was publiſhed; the Priſons were opened, and hundreds of Offenders were ſet at liberty; And a late Proclamation againſt Exceſs in Apparel was revoked. Neither may we forget the Kings ſtrain of Complement in the Advancement of *Gondomar*, to whom he aſcribed his great contentment and honor received by his Highneſs's preſence; That he had made the *Conde* (whom he was pleaſed to term an *Engliſh-man*) one of his Council of State, to the end that his Highneſs might be confident of their Proceedings, and privy to all their
B Paſſages.

Is entertained honorably by the King.

Makes his entrance publiquely into *Madrid.*

The Prince, on the day of Publique Entrance, was attended in the morning by the *Conde Gondomar*, and divers Councellors of State, to S. *Jerom's* Monaſtery, the place whence the Kings of *Spain* are wont to make their ſolemn entrance into *Madrid* on the day of their Coronation: There the Prince was feaſted, and ſerved by divers great Officers of State waiting bare-headed. After dinner, the King came to conduct his Highneſs through the Town to the Royal Palace, having prepared all things
C for the Solemnity in the greateſt magnificence and ſplendor.

The King ſetting the Prince on his right hand, they rode in great glory under a Canopy of State ſupported by the *Regidors* of the Town, who were arrayed in Cloth of Tiſſue: The Nobility and Grandees of *Spain* attended by their ſeveral Liveries, all very rich and coſtly, went before; And after came the Marquis of *Buckingham*, and the *Conde Olivares*, executing their places of Maſters of the Horſe; After them followed the Earl of *Briſtol* and Sir *Walter Aſton*, accompanied with divers
D Councellors of State, and Gentlemen of the Kings Chamber.

And being alighted at the Palace-gate, the King led the Prince to the Queens quarters, where having entred her chamber, he was met and received by her with great reſpect, in manner becoming the ſtate of great Princes; three Royal ſeats were placed, the Queen ſate in the middle, the Prince on her right hand, and the King on the left. His Highneſs was thence conducted by the King to the Lodgings prepared for him; where after they had converſed a while, the King left him.

The King ſends the Prince two Golden Keys.

E After a little pauſe, the Queen by her *Major-domo* gave him a further and very noble Welcom with ſundry rich Preſents, as Perfumes and coſtly Wearing-Linen. The King ſent him two Golden Keys, which would open all his Privy-lodgings and his Bed-chamber, giving him to underſtand that he had free acceſs unto him at all hours.

The Grandees are commanded to attend his Highneſs.

The Councellors of State preſented themſelves to let him know, That by the Kings expreſs command they were to obey his Highneſs as exactly as the King himſelf. He was conſtantly attended and ſerved with
F *Grandees* and *Tituladoes*, and was entertained with many Shews and Triumphs, and ſeveral daily Paſtimes. And one day running at the Ring in company of divers of the Nobility, his Higneſs was the onely Perſon that bore the Ring away, and that in preſence of the *Infanta* his Miſtreſs, which was interpreted a good Omen at the beginning of his Atchievement. In fine, there wanted nothing which the wit of man could deviſe for the height

An. 1623.

height of outward glory: The Governors of the Town presented the Marquis of *Buckingham* with the rich Cloth of State which was borne over the King and Prince in the great Solemnity, as a Fee belonging to the Place which he then executed.

The Marquis of *Buckingham* made Duke.

From the Court of *England* many Lords and Gentlemen went after the Prince, that by a splendid Train and Retinue of his own People he might appear as the Prince of *England*. And the Marquis of *Buckingham* was then made a Duke, by a Patent sent from *England*. A

The people talk, that the Prince is come to change his Religion.

This magnificent Entertainment, and the universal Joy in *Spain*, was grounded on the hope of the Prince's turning Catholick: For the voice of the people went, That he was come to be a Christian: And the *Conde Olivares*, when he gave him the first Visit, did congratulate his Arrival with these expressions; "That the Match should be made presently, and "that the Kings of *Spain* and *England* should divide the World between "them; For that he did not question, but he came thither to be of their "Religion. Whereunto the Prince answered, *That he came not thither* B "*for Religion, but for a Wife.*

Endeavors to make the Prince change his Religion.

But there wanted no endeavors to reconcile the Prince, and by him the British Dominions to the Sea of *Rome*. *Gregory* the Fifteenth, then Pope, * exhorted the Bishop of *Conchen* Inquisitor-General of *Spain*, to improve the opportunity: And he sought to charm the Prince, by writing a very smooth Letter to him: Yea, he condescended to write to *Buckingham* his Guide and Familiar, to incline him to the Romish religion. And the Pope also wrote a Letter to the Prince, the tenor whereof C followeth.

* *Quare Apostolicis literis hortamur Catholicam Majestatem, ut eum Principem rediger suaviter conetur sub Romanæ Ecclesiæ ditionem, cui veteres Magnæ Britanniæ Domini, coronatum caput, & imperii fasces (Cœlo plaudente) submiserunt.*

Quare te monemus, ut ad Catholicum Regem religiosus Consiliarius accedas, easque rationes despicias quibus insigne aliquod beneficium Britanniæ Regnis & Romanæ Ecclesiæ in præsenti rerum opportunitate comparetur. Res ipsa magna atque gravissima est; quare eum verbis amplificare non debemus; Regnum Cœlorum Britanniæ Principi patefacere, Regnum Britanniæ sedi Apostolicæ restituere incipiet, qui Regii istius Adolescentis animum Catholicæ Religionis studio inflamaverit, atque hæreticæ impietatis odio impleverit, &c.

D

The Pope's Letter to the Prince of *Wales*.

Most Noble Prince, We wish you the health and light of Gods grace. Forasmuch as Great Britain *hath always been fruitful in vertues, and in men of great worth, having filled the one and the other World with the glory of her renown, She doth also very often draw the thoughts of the Holy Apostolical Chair to the consideration of her praises. And indeed, the Church was but then in her infancie, when the King of Kings did choose her for his inheritance, and so affectionately, that 'tis believed the* Roman Eagles *were hardly there before the Banner of the* Cross. *Besides that, many of her Kings instructed* E *in the knowledge of the true salvation, have preferred the Cross before the Royal Scepter, and the Discipline of Religion before Covetousness, leaving examples of piety to other Nations, and to the Ages yet to come: So that having merited the Principalities and first places of blessedness in Heaven, they have obtained on Earth the triumphant ornaments of Holiness. And although now the state of the English Church is altered, We see nevertheless the Court of* Great Britain *adorned and furnished with Moral vertues which might serve to support the charity we bear unto her, and be an ornament to the name of Christianity, if* F *withall she could have for her defence and protection the Orthodox and Catholick truth. Therefore by how much the more the glory of your most Noble Father, and the apprehension of your Royal inclination delights us, with so much more zeal we desire that the gates of the Kingdom of Heaven might be opened unto you, and that you might purchase to your self the love of the Universal Church.*

Moreover,

20 Jacobi.

Moreover, it being certain that Gregory *the Great of most blessed memory hath introduced to the people of* England, *and taught to their Kings the law of the Gospel, and the respect of Apostolical authority; We, as inferior to him in holiness and vertue, but equal in name and degree of dignity, think it very reasonable, that we following his blessed footsteps, should endeavor the salvation of those Provinces, especially at this time when your design (most Noble Prince) elevates us to the hope of an extraordinary advantage. Therefore as you have*
A *directed your journey to* Spain *towards the Catholick King, with desire to ally your self to the House of* Austria, *We do commend your design, and indeed do testifie openly in this present business, that you are he that takes principal care of our Prelacy: For seeing that you desire to take in marriage the Daughter of* Spain, *from thence we may easily conjecture, that the antient seeds of Christian piety which have so happily flourished in the hearts of the Kings of* Great Britain, *may (God prospering them) revive again in your soul. And indeed it is not to be believed, that the same man should love such an Alliance, that*
B *hates the Catholick Religion, and should take delight to oppress the Holy Chair. To that purpose we have commanded that most humble prayers be made continually to the Father of lights, that he would be pleased to put you as a fair Flower of Christendom, and the onely Hope of* Great Britain, *in possession of that most noble Heritage which your Ancestors purchased for you, to defend the authority of the Soveraign High-Priest, and to fight against the Monsters of Heresie. Remember the days of old, enquire of your Fathers, and they will tell you the way that leads to Heaven, and what way the Temporal Princes have taken to*
C *attain to the everlasting Kingdom. Behold the gates of Heaven opened! The most holy Kings of* England, *who came from* England *to* Rome *accompanied with Angels, did come to honor and do homage to the Lord of Lords, and to the Prince of the Apostles in the Apostolical Chair; their actions and their examples being as so many voices of God, speaking and exhorting you to follow the course of the lives of those, to whose Empire you shall one day attain.*

Is it possible that you can suffer that the Hereticks should hold them for
D *impious, and condemn those whom the faith of the Church testifies to reign in the Heavens with Jesus Christ, and have command and authority over all Principalities and Empires of the Earth? Behold how they tender you the hand of this truly happy Inheritance, to conduct you safe and sound to the Court of the Catholick King, and who desire to bring you back again into the lap of the Roman Church; beseeching with unspeakable sighs and groans the God of all mercy for your salvation, and do stretch out to you the arms of the Apostolical charity to embrace you with all Christian affection, even you that are her de-*
E *sired Son, in shewing you the happy hope of the Kingdom of Heaven. And indeed, you cannot give a greater consolation to all the people of the Christian world, then to put the Prince of the Apostles in possession of your most noble Island, whose authority hath been held so long in the Kingdom of* Britain *for the defence of Kingdoms, and for a Divine Oracle. The which will easily come to pass, and that without difficulty, if you open your heart to the Lord that knocks; upon which depends all the happiness of that Kingdom. It is from this our great charity, that we cherish the praises of the Royal Name, and that*
F *which makes us desire that you and your Royal Father may be stiled with the names of Deliverers and Restorers of the antient and paternal Religion of* Great Britain.

This is it we hope for, trusting in the goodness of God, in whose hands are the hearts of Kings, and who causeth the people of the earth to receive healing, to whom we will always labour with all our power to render you gracious and favorable.

An. 1623.

favorable. In the interim take notice by theſe Letters of the care of our charity, which is none other then to procure your happineſs: And it will never grieve us to have written them, if the reading of them ſtir but the leaſt ſpark of the Catholick faith in the heart of ſo great a Prince; whom we wiſh to be filled with long continuance of joy, and flouriſhing in the glory of all Vertues.

Given at Rome *in the Palace of* S. Peter, *the* 20. *of* April, 1623. *in the Third year of our Popedom.*

Gregorius P. P. XV. *Duci Buckinghamiæ.*

NObilis Vir, Salutem & lumen Divinæ gratiæ. Authoritas qua Nobilitatem tuam in Britanna Regia florere accepimus, non modo meritorum præmium, ſed virtutis patrocinium habetur. Egregium plane decus, atque adeo dignum, cui populi illi addi cupiant diuturnitatem. Verum vix dici poteſt quantus ei cumulus gloriæ in orbe terrarum accederet, ſi (Deo favente) foret Catholicæ religionis præſidium; facultatem certe nanciſceris, qua te eorum Principum conciliis inſerere potes, qui nominis immortalitatem adepti ad cœleſtia regna perveneruntt. Hanc tibi à Deo tributam, & à Pontifice Romano commendatam occaſionem, ne elabi patiare, Nobilis vir. Non te præterit, regalium conſiliorum conſcium, quo in loco Britanna res hac ætate ſit, quibuſque Spiritus ſancti loquentis vocibus, Principum tuorum aures quotidie perſonent. Quæ gloria eſſet nominis ſi te hortatore ac ſuaſore, Anglicani Reges cœleſtem illius gloriæ hæreditatem recuperarent quam Majores eorum ampliſſimam in iis regnis reliquerunt, divini cultus incrementa curando, & Pontificiæ authoritatis ditione, non ſolum tuenda, ſed etiam propaganda! Multi fuerunt, atque erunt in poſterum, quos benevolentia Regum perituris divitiis locupletavit, & invidioſis titulis auxit; atque ut id Nobilitas tua conſequatur, non ideo ſempiternis laudibus nomen tuum memor poſteritas colet; at enim ſi conſilia tua potentiſſimos

Pope *Gregory* to the D. of *Buckingham.*

RIght honorable, we wiſh you health and the light of Gods grace. The authority which we underſtand you have in the Court of England, *is accounted not only the reward of merit, but the patronage of vertue. A remarkable honor indeed, and of ſuch worth, that the people there ought to pray for its continuance: But it can ſcarce be expreſt what an acceſs of glory it would receive in the world, if by the grace of God it ſhould become the ſafeguard of the Catholick Religion. You have the means to ingraft your ſelf into the aſſembly of thoſe Princes, who having obtained an immortal name, have purchaſed the heavenly inheritance. Suffer not, Hononorable ſir, this ocaſion to ſlip out of your hands, afforded you by God, and recommended to you by the Pope of* Rome. *You are not ignorant, as intimate in the Kings counſels, in what condition the affairs of* England *are in this our Age, and with what voices of the Holy Ghoſt ſpeaking--the ears of your Princes daily tingle. How greatly would you be renown'd, if by your perſwaſion and admonition the King of* England *ſhould obtain the heavenly inheritance of that glory which their Anceſtors left them moſt ample in thoſe kingdoms, by taking care of the increaſe of Gods worſhip, and not only defending, but propagating the dominions of the Pope's authority! There have been, and will be many hereafter, whom the favor of Kings hath much enriched with wealth that fadeth away, and honored with envious titles: And if your Honor attain this, Poſterity will therefore adore your memory*

mory with everlaſting praiſes: But if your advice ſhould reduce Potent Kings and Nations to the Lap of the Church, your name would be written in the Book of the Living, whom the pangs of death aſſault not, and the Records of Hiſtorians would number you among thoſe Sages in whoſe light and conduct Kings have walked. And with what comfort of the preſent life, and reward of the future, that God who is rich in mercy would recompence you, they eaſily foreſee who are acquainted with the skill and violence by which the Kingdom of Heaven is conquered: That we wiſh you to be partaker of ſo great happineſs, not onely our Papal Charity moves us (to whoſe care the ſalvation of mankinde belongeth) but alſo the Piety of your Mother, who having brought you forth to the World, deſires to bring you forth again to the Church of Rome, *whom ſhe acknowledges for her Mother. Therefore* Didacus de la Fuente *our beloved Son, a Fryer, who hath prudently managed the moſt important affairs of your Princes here in* Rome, *being to go to* Spain, *we have commanded him to wait upon your Honor, and to deliver you thoſe Apoſtolical Letters to evidence the greatneſs of our Papal Charity, and our deſire of your ſalvation. You may be pleaſed to hearken to him, as the interpreter of our minde, and one adorned with thoſe vertues, which have been able to purchaſe the love of Foreign Nations to a Catholick and a Regular Prieſt. Truly he hath ſpoken ſuch things of you in this Country of the World, that he is worthy whom you ſhould cheriſh with a ſingular affection, and protect with your Authority, as one ſtudious of the glory and ſafety of the King and People of Great* Britain. *We will pray the Father of Mercies, that he would open the doors of the Kingdom of Heaven to your Honor, and afford you frequent evidences of his Clemency.*

Given at Rome apud ſanctam Mariam Majorem ſub Annulo Piſcatoris, 19 Maii, 1623. *being the Firſt year of our Reign*

mos Reges populoſque ad Eccleſiæ gremium reducerent; ſcriberetur nomen tuum in libro viventium quos non tangit tormentum mortis ac te Hiſtoriarum Monumenta in eos ſapientes referrent in quorum ſplendore Reges ambulaverunt. Quibus autem te præſentis vitæ ſolatiis & futuræ præmiis remuneraretur Deus ille, qui dives eſt in miſericordia, omnes facile provident quibus nota eſt ars, & vis, qua Regnum Cœlorum expugnatur. Tantæ te fælicitatis compotem fieri ut cupiamus efficit non ſolum Pontificia Charitas, ad cujus curas totius humani generis ſalus pertinet, ſed etiam genetricis tuæ pietas, quæ cum te mundo peperit *Romana* etiam eccleſiæ quam ipſa matrem ſuam agnovit iterum parere cupit: Proin cum in *Hiſpanias* profectionem paret dilectus Filius religioſus vir *Didacus de la Fuente*, qui graviſſima principum tuorum negotia in urbe ſapienter Adminiſtravit, ei mandavimus ut Nobilitatem tuam adeat atque has Apoſtolicas literas deferat quibus Pontificiæ Charitatis magnitudo & ſalutis tuæ cupido declaretur. Cum ergo audire poteris ſententiæ noſtræ interpretem, atque iis virtutibus inſtructum quæ exterarum Nationum amorem Catholico etiam & Religioſo Sacerdoti conciliare potuerunt. Ille quidem ea de te in hac orbis Patria prædicavit, ut dignus ſit quem ſingulari affectu complectaris & Authoritate tua Munias *Britannorum* Regum populorumque ſaluti & gloriæ inſervientem nos quidem Patrem Miſericordiarum Orabimus ut Nobilitati tuæ cœleſtis Regni fores patefaciat & frequentia præbeat Clementiæ ſuæ documenta.

Datum Romæ *apud ſanctam* Mariam *Majorem ſub Annulo Piſcatoris, die* 19 Maii. 1623, *Pontificatus noſtri Tertio.*

21 *Jacobi.*

An. 1623.

The Prince of *Wales* returned this following Answer to the Popes Letter (according to a Copy preserved by some then in *Spain* at the Treaty.)

CAROLUS Princeps *Gregorio* P.P. XV.

Sanctißime Pater,

There is another Copy of the Princes Letter to the Pope, published by several hands, somewhat different from this.

BEatitudinis vestræ Litteras non minore gratitudine & observantia accepimus, quam exigat ea qua novimus exaratas insignis benevolentia, & pietatis affectus. Atque illud imprimis gratum fuit, nunquam satis laudata Majorum exempla inspicienda Nobis à vestra Sanctitate atque imitanda fuisse proposita: Qui licet multoties omnium fortunarum & vitæ ipsius discrimen adiverint, quo fidem Christianam latius propagarent, haud tamen alacriori animo in infestissimos Christi hostes, Crucis Christi vexilla intulerunt, quam nos omnem opem & operam adhibebimus ut quæ tam diu exaltavit pax & unitas, in Christianam Rempublicam postliminio reducatur. Cum enim Discordiarum Patris malitia inter illos ipsos qui Christianam profitentur Religionem tam infelicia seminarit dissidia, hoc vel maxime necessarium ducimus ad Sacrosanctam Dei & Salvatoris Christi gloriam fælicius promovendam. Et minori nobis honori futurum existimabimus, tritam Majorum Nostrorum vestigiis insistentes viam, in piis ac Religiosis susceptis illorum æmulos atque imitatores extitisse, quam genus nostrum ab illis atque originem duxisse. Atque ad idem nos istud plurimum inflammat perspecta nobis Domini Regis ac Patris nostri voluntas, & quo flagrat desiderium ad tam Sanctum opus porrigendi manum auxiliatricem, tum qui Regium pectus exedit dolor, cum perpendit quam sævæ exoriantur strages, quam deplorandæ

Prince *Charles* to Pope *Gregory* XV.

Most Holy Father,

WE have received your Letter with no leß thankfulneß and reſpect, then is due to the ſingular good will and godly affection wherewith we know it was written. It was moſt acceptable unto us, that the never enough Renowned Examples of our Anceſtors were propoſed to us by your Holineß for our inſpection and imitation; who though they often hazarded their lives and fortunes to propagate the Chriſtian Faith, yet did they never more chearfully diſplay the Banners of the Croß of Chriſt againſt his moſt bitter enemies, then we will endeavor to the utmoſt, that the Peace and Union which ſo long triumphed, may be reduced into the Chriſtian World, after a kinde of Elimination or Exile. For ſince the malice of the Father of Diſcords hath ſowed ſuch unhappy Diviſions amongſt thoſe who profeß the Chriſtian Religion, We account this moſt neceſſary thereby to promote with better ſucceß, the glory of God and Chriſt our Saviour; nor ſhall we eſteem it leß honor to tread in their foot-ſteps, and to have been their Rivals and Imitators in holy undertakings, then to have been diſcended of them. And we are very much encouraged to this, as well by the known inclination of our Lord and Father, and his ardent deſire to lend a helping hand to ſo pious a work, as by the anguiſh that gnaws his Royal breſt, when he conſiders what cruel deſtructions, what deplorable calamities ariſe out of the diſſentions of Chriſtian Princes. Your Holineß conjecture of our deſire to contract an Alliance and Marriage with a Catholick Family and Princeß, is

agree-

agreeable both to your Wiſdom and Charity; for we would never deſire ſo vehemently to be joyned in a ſtrict and indiſſoluble Bond with any Mortal whatſoever, whoſe Religion we hated. Therefore your Holineſs may be aſſured, That we are, and always will be of that Moderation, as to abſtain from ſuch actions which may teſtifie our hatred againſt the Roman *Catholick Religion; we will rather embrace all occaſions whereby through a gentle and fair procedure all ſiniſter ſuſpitions may be taken away; That as we all confeſs one Individual Trinity, and one Chriſt Crucified, we may unanimouſly grow up into one Faith. Which that we may compaſs, we little value all Labor and Watchings, yea, the very hazard of our lives. It remains, that we render thanks to your Holineſs for your Letter, which we eſteem as a ſingular preſent, and wiſh your Holineſs all proſperity and eternal happineſs.*

Dated at *Madrid.*
20 *Junii*, 1623.

plorandæ calamitates ex principum Chriſtianorum diſſenſionibus. Judicium verò quòd Sanctitas veſtra tulit de noſtro cum domo ac Principe Catholico Affinitatem & Nuptias contrahendi deſiderio, & Charitati veſtræ eſt conſentaneum, nec a ſapientia invenietur alienum. Nunquam tanto quo ferimur ſtudio, nunquam tam arcto & tam indiſſolubili vinculo ulli Mortalium conjungi cuperemus, cujus odio Religionem proſequeremur. Quare Sanctitas veſtra illud in animum inducat, ea modo nos eſſe ſemperque futuros moderatione, ut quam longiſſime abfuturi ſimus ab omni opere quod odium teſtari poſſit ullam adverſus Religionem Catholicam Romanam: Omnes potius captabimus occaſiones quo leni benignoque rerum curſu ſiniſtræ omnes ſuſpiciones e medio penitus tollantur. Ut ſicut omnes unam individuam Trinitatem, & unum Chriſtum Crucifixum confitemur, in unam fidem unanimiter coaleſcamus: Quod ut aſſequamur, labores omnes atque vigilias, Regnorum etiam atque vitæ pericula parvi pendimus. Reliquum eſt ut quas poſſumus maximas, pro literis quas inſignis muneris loco ducimus, gratias agentes, Sanctitati veſtræ omnia proſpera & fælicitatem æternam comprecamur.

Datum Matriti,
20 *Junii*.
1623.

Jacobi 21.

Orations, Proceſſions, and pompous ſhews were made in *Spain*, to allure the Prince to Popery; Popiſh Books were dedicated, and Popiſh Pictures preſented to him. They carried him to the moſt Religious places, and to perſons famous for pretended Miracles. And they ſhew him of what importance his Converſion is, to the gaining of a large entrance into the *Infanta*'s affection, and a ſmooth path to this Catholick Marriage. And in caſe a Rebellion in *England* ſhould follow his change of Religion, they offer an Army to ſubdue the Rebels.

Allurements to make the Prince change his Religion.

But the Prince remained ſtedfaſt in his Religion; neither did he expreſs any ſhew of change.

The Prince ſtedfaſt in his Religion,

But as to the interior carriage of Affairs, notwithſtanding his ſplendid entertainment to the height of Princely State, yet in the main buſi-

An. 1623.

Is not well dealt with in his Addreſs to the *Infanta*.

nefs he was meanly dealt with, and in his Addreſſes to the *Infanta*, unworthily reſtrained and undervalued.

The Diſpenſation ſticks long in the Birth, but after a tedious Travel, it was brought forth: Mr. *George Gage* advertiſed the King from *Rome*, That the Cardinals made mention of him in moſt honorable Language, and had a firm opinion, that the former Rigor towards Catholicks, hath riſen from others, but the Graces vouchſafed to them from himſelf; and they were now confident that ſuch potent interceſſions having been made with him, and all civil jealouſies removed, he will not onely command a real performance of what is promiſed, but according to his own Loyal heart, will enlarge the benefit.

The Diſpenſation is at laſt procured.

Furthermore, he aſſured the King, That ſuch difficulties as were already ſpent, and were yet to come, have been laid hold on by the Cardinals; neither to fruſtrate, nor prolong this Treaty, but out of an opinion, that otherwiſe they could not ſecure their Conſciences, proceed upon a juſt and valuable ground, and ſatisfie the judgments of ſuch diſcreet perſons, as may in times to come, underſtand the Paſſages of this great Buſineſs.

The Diſpenſation comes clogged.

So the long ſolicited Diſpenſation came from Pope *Gregory* the Fifteenth, to the Court of *Spain*. But whereas it was expected full and abſolute, it came with a Clog, a Clauſe thruſt in of purpoſe to retard the proceedings.

That whereas there were certain Articles condiſcended unto by the King of *England*, in favor of the *Roman* Catholicks in his Dominions, Caution ſhould be given for the performance of thoſe Conceſſions. The King anſwered, That he could give no other Caution, then his own and the Princes Oath, exemplified under the Great Seal of *England*. But this would not ſatisfie, unleſs ſome Sovereign Catholick Prince would ſtand engaged for them. Hereupon the frame of things was like to fall aſunder, and a rumor went, that the Prince intended to get away covertly.

Olivares propoſes ways of Accommodation.

Amidſt the heats of this diſpute, *Olivares* (whither in a humor or good earneſt) propounded three ways of accommodation: The firſt was, That Prince *Charls* ſhould become Catholick. The ſecond, That the *Infanta* ſhould be delivered to him upon the former ſecurity, without further condition. The third was, to binde him as faſt as they could, and not truſt him with any thing. And of theſe three ways, he ſaid, The two former were good, but the laſt was a bad one.

The King of *Spain* proffers to engage himſelf on the behalf of the King of *England* and the Prince.

At length the King of *Spain* proffered to engage himſelf by Oath on the behalf of the King and Prince for the performance of the Articles. Provided, That he firſt conſult with his Ghoſtly Fathers, whither he might do it with a ſafe Conſcience. This was a fair contrivance, whereby that King might not onely oblige our King and Prince, but lay the ground-plot of a fair pretence of War againſt *England*, if the *Roman* Catholicks received not ſatisfaction in the enjoyment of the Freedom promiſed. Beſides he would form a party in theſe Dominions to a Dependance upon his Protection.

His Ghoſtly Fathers approve his intentions.

A *Junčto* of Divines were called to determine upon the Caſe, and they go very gravely and tedionſly to work, and protract the time almoſt beyond the bounds of the Princes patience; but they conclude at laſt Affirmatively. And in caſe the King of *England* fail to execute what was ſtipulated, the King of *Spain* was to vindicate his Oath, and right himſelf by the Sword.

Then

Then was the Match declared publickly, and the Prince had frequent acceſs to the *Infanta*, yet always in a publick manner, and in the Kings preſence. 21 *Jacobi.*

The Match is declared publickly.

Whileſt theſe things were forging in *Spain*, there were not wanting ſuch as warned the King, and tendred ſafer Counſels. The Archbiſhop of *Canterbury* was bold to preſs him cloſe in this ſerious Letter.

A

May it pleaſe Your Majeſty,

I Have been too long ſilent, and am afraid by my ſilence I have neglected the duty of the place it hath pleaſed God to call me unto, and your Majeſty to place me in: But now I humbly crave leave, I may diſcharge my Conſcience towards God, and my duty to your Majeſty; and therefore I beſeech you freely B *to give me leave to deliver my ſelf, and then let your Majeſty do with me what you pleaſe. Your Majeſty hath propounded a Toleration of Religion, I beſeech you take into your conſideration what your Act is, what the conſequence may be. By your Act you labor to ſet up the moſt Damnable and Heretical Doctrine of the Church of* Rome, *the Whore of* Babylon: *How hateful it will be to God, and grievous to your good Subjects, the Profeſſors of the Goſpel, That your Majeſty who hath often diſputed, and learnedly written againſt thoſe Hereſies, ſhould now ſhew your ſelf a Patron of thoſe wicked Doctrines which your Pen hath told* C *the World, and your Conſcience tells your ſelf, are Superſtitious, Idolatrous, and deteſtable. And hereunto I adde what you have done in ſending the Prince into* Spain *without conſent of your Council, the Privity and Approbation of your People: And although you have a Charge and Intereſt in the Prince, as Son of your Fleſh; yet have the people a greater, as Son of the Kingdom, upon whom next after your Majeſty are their Eyes fixed and welfare depends; and ſo tenderly is his going apprehended, as (believe it) however his return may be ſafe; yet the drawers of him into this Action, ſo dangerous to himſelf, ſo* D *deſperate to the Kingdom, will not paſs away unqueſtioned, unpuniſhed. Beſides, this Toleration which you endeavor to ſet up by your Proclamation, cannot be done without a Parliament, unleſs your Majeſty will let your Subjects ſee that you will take unto your ſelf ability to throw down the Laws of your Land at your pleaſure. What dread conſequence theſe things may draw afterward, I beſeech your Majeſty to conſider, and above all, leſt by this Toleration and diſcountenancing of the true Profeſſion of the Goſpel, wherewith God hath bleſſed us, and this Kingdom hath ſo long flouriſhed under it, your Majeſty do not draw* E *upon this Kingdom in general, and your ſelf in particular, Gods heavy wrath and indignation.*

Thus in diſcharge of my duty towards God, to your Majeſty, and the place of my Calling, I have taken humble leave to deliver my Conſcience. Now Sir, do what you pleaſe with me.

The Archbiſhops Letter to the King againſt Toleration of Popery.

The King would not admit any Motion of drawing back, but in going forward, he would yield to all demands, and was accordingly ſcrued F up to the greateſt height.

So at laſt the Difficulties in *Rome* and *Spain* were all ſurmounted; and then theſe following Articles [Stiled by the Cardinals, *Propoſitions for the right Augmentation and Weal of the Roman Catholick Religion*] were ſworn unto by the King, Prince and Privy Council.

"I. That

An. 1623. Articles ſworn to by the King, Prince, and Privy Council.

I. "THat the Marriage be made by Diſpenſation of the Pope, but "that to be procured by the endeavor of the King of *Spain*.

II. "That the Marriage be once onely celebrated in *Spain*, and ratified in *England*, in form following. In the Morning after the moſt Gracious *Infanta* hath ended her Devotions in the Chappel, ſhe and the moſt Excellent Prince *Charls*, ſhall meet in the Kings Chappel, or in ſome other Room of the Palace, where it ſhall ſeem moſt expedient; A and there ſhall be read all the Procurations, by vertue whereof the Marriage was celebrated in *Spain*; and as well the moſt Excellent Prince, as the moſt Excellent *Infanta*, ſhall ratifie the ſaid Marriage celebrated in *Spain*, with all ſolemnity neceſſary for ſuch an Act; ſo as no Ceremony or other thing intervene, which ſhall be contrary to the *Roman* Catholick Apoſtolick Religion.

III. "That the moſt Gratious *Infanta*, ſhall take with her ſuch Servants and Family as are convenient for her ſervice; which Family, B and all perſons to her belonging, ſhall be choſen and nominated by the Catholick King: So as he nominate no Servant which is Vaſſal to the King of *Great Britain*, without his will and conſent.

IV. "That as well the moſt Gratious *Infanta*, as all her Servants and Family, ſhall have free uſe and publick Exerciſe of the *Roman* Catholick Religion, in manner and form as is beneath capitulated.

V. "That ſhe ſhall have an Oratory and Decent Chappel in her Palace; where, at the pleaſure of the moſt Gratious *Infanta*, Maſſes C may be celebrated; and in like manner ſhe ſhall have in *London*, or whereſoever ſhe ſhall make her abode, a Publick and Capacious Church near her Palace, wherein all Duties may be ſolemnly celebrated, and all other things neceſſary for the Publick Preaching of Gods Word, the Celebration and Adminiſtration of all the Sacraments of the Catholick *Roman* Church, and for burial of the Dead, and Baptizing of Children. That the ſaid Oratory, Chappel, and Church, ſhall be adorned with ſuch decency as ſhall ſeem convenient to the moſt Gratious *Infanta*. D

VI. "That the Men-ſervants and Maid-ſervants of the moſt Gratious *Infanta*, and their Servants, Children, and Deſcendents, and all their Families of what ſort ſoever ſerving her Highneſs, may be freely and publickly Catholicks.

VII. "That the moſt Gratious *Infanta*, her Servants and Family, may live as Catholicks in form following. That the moſt Gratious *Infanta* ſhall have in her Palace, her Oratory and Chappel ſo ſpatious, that her ſaid Servants and Family may enter and ſtay therein; in which there E ſhall be an ordinary and publick door for them, and another inward door, by which the *Infanta* may have a paſſage into the ſaid Chappel, where ſhe and other as aboveſaid may be preſent at Divine Offices.

VIII. "That the Chappel, Church, and Oratory, may be beautified with decent Ornaments of Altars, and other things neceſſary for Divine Service, which is to be celebrated in them according to the cuſtom of the Holy *Roman* Church; and that it ſhall be lawful for the ſaid Servants and others, to go to the ſaid Chappel and Church at all F hours, as to them ſhall ſeem expedient.

X. "That the care and cuſtody of the ſaid Chappel and Church ſhall be committed to ſuch as the Lady *Infanta* ſhall appoint, to whom it ſhall be lawful to appoint Keepers, that no body may enter into them to do any undecent thing.

XI. "That

XI. "That to the Administration of the Sacraments, and to serve "in Chappel and Church aforesaid, there shall be Four and twenty "Priests and Assistants, who shall serve weekly or monethly, as to the "*Infanta* shall seem fit, and the Election of them shall belong to the "Lady *Infanta*, and the Catholick King. Provided, That they be none "of the Vassals of the King of Great *Britain*, and if they be, his will "and consent is to be first obtained.

A XII. "That there be one Superior Minister or Bishop, with neces- "sary Authority upon all occasions which shall happen belonging to Re- "ligion; and for want of a Bishop, that his Vicar may have his Authority "and Jurisdiction.

XIII. "That this Bishop or Superior Minister, may Correct and "Chastise all *Roman* Catholicks who shall offend, and shall exercise upon "them all Jurisdiction Ecclesiastical: And moreover also the Lady *In-* "*fanta* shall have power to put them out of her service, whensoever it shall B "seem expedient to her.

XIV. "That it may be lawful for the Lady *Infanta* and her Ser- "vants, to procure from *Rome*, Dispensations, Indulgences, Jubilees, "and all Graces, as shall seem fit to their Religion, and Consciences, "and to get and make use of any manner of Catholick Books what- "soever.

XV. "That the Servants and Family of the Lady *Infanta*, who "shall come into *England*, shall take the Oath of Allegiance to the King C "of Great *Britain*: Provided, That there be no clause therein which "shall be contrary to their Consciences, and the *Roman* Catholick Re- "ligion; and if they happen to be Vassals to the King of Great *Britain*, "they shall take the same Oath that the *Spaniards* do.

XVI. "That the Laws which are or shall be in *England* against Re- "ligion shall not take hold of the said Servants; and onely the foresaid "Superior Ecclesiastical Catholick may proceed against Ecclesiastical "persons, as hath been accustomed by Catholicks: And if any Secular D "Judge shall apprehend any Ecclesiastical person for any offence, he shall "forthwith cause him to be delivered to the aforesaid Superior Eccle- "siastick, who shall proceed against him according to the Canon "Law.

XVII. "That the Laws made against Catholicks in *England*, or "in any other Kingdom of the King of Great *Britain*, shall not extend to "the Children of this Marriage; and though they be Catholicks, they "shall not lose the right of Succession to the Kingdom and Dominions E "of Great *Britain*.

XVIII. "That the Nurses which shall give suck to the Children "of the Lady *Infanta*, (whither they be of the Kingdom of Great *Bri-* "*tain*, or of any other Nation whatsoever) shall be chosen by the Lady "*Infanta*, as she pleaseth, and shall be accounted of her Family, and en- "joy the priviledges thereof.

XIX. "That the Bishop, Ecclesiastical and Religious persons of "the Family of the Lady *Infanta*, shall wear the Vestment and Habit of F "their Dignity, Profession, and Religion, after the Custom of *Rome*.

XX. "For security that the said Matrimony be not dissolved for "any cause whatsoever: The King and Prince are equally to pass the "Word and Honor of a King, and moreover, that they will perform "whatsoever shall be propounded by the Catholick King for further con- "firmation, if it may be done decently and fitly.

XXI. "That

An. 1623.

XXI. "That the Sons and Daughters which ſhall be born of this "Marriage, ſhall be brought up in the company of the moſt Excellent "*Infanta*, at the leaſt, until the age of Ten years, and ſhall freely enjoy "the right of Succeſſions to the Kingdoms as aforeſaid.

XXII. "That whenſoever any place of either Man-ſervant, or "Maid-ſervant, which the Lady *Infanta* ſhall bring with her (nominated "by the Catholick King her Brother) ſhall happen to be void, whether "by death or by other cauſe or accident, all the ſaid Servants of her A
"Family are to be ſupplied by the Catholick King as aforeſaid.

XXIII. "For ſecurity that whatſoever is capitulated, may be "fulfilled, The King of Great *Britain*, and Prince *Charls* are to be "bound by Oath; and all the Kings Council ſhall confirm the ſaid "Treaty under their hands: Moreover the ſaid King and Prince are to "give their Faiths in the Word of a King, to endeavor, if poſſible, "That whatſoever is capitulated, may be eſtabliſhed by Parliament.

XXIV. "That conformable to this Treaty, all theſe things pro- B
"poſed, are to be allowed and approved of by the Pope, that he may give "an Apoſtolical Benediction, and a Diſpenſation neceſſary to effect the "Marriage.

The Oath taken by the King and Prince, was as followeth.

The Oath.

WE Ratifying and confirming the aforeſaid Treaty, and all C
and every Capitulation contained, and ſpecified in the ſame, do approve, applaud, confirm, and ratifie of our certain knowledge, all and every of theſe things in as much as they concern our Selves, our Heirs, or our Succeſſors: And we promiſe by theſe preſents in the word of a King, to keep, fulfil, and obſerve the ſame; and to cauſe them to be kept, fulfilled and obſerved inviolably, firmly, well and faithfully, effectually, Bona fide, without all exception, and contradiction. And we confirm the ſame with an Oath, upon the Holy D
Evangeliſts, in the preſence of the Illuſtrious and Noble John de Mendoza, Charls de Colona, Ambaſſadors of the moſt Gracious Catholick King, reſiding in our Court.

In Teſtimony and Witneſs of all and every the premiſes, we have cauſed our Great Seal to be put to theſe Articles ſubſcribed by our hands there, in the preſence of the moſt Reverend Father in Chriſt, George Archbiſhop of Canterbury, Primate of all England, and the Reverend Father in Chriſt, John Biſhop of Lincoln, Lord Keeper of E
the Great Seal of England, Lionel Cranfield, Chief Treaſurer of England, Henry Viſcount Mandevil, Preſident of our Council, Edward Earl of Worceſter, Keeper of the Privy Seal, Lewis Duke of Richmond, and Lenox Lord Steward of our Houſhold, James Marqueſs Hamilton, James Earl of Carliſle, Thomas Earl of Kelly, Oliver Viſcount Grandeſon, &c. and George Calvert, Knight, one of our Chief Secretaries of State, and all of our Privy Council.

Given at our Palace of Weſtminſter, &c. F

JACOBUS Rex.

After this the King did ſwear to certain private Articles, in favor of Papiſts, and for the advancement of the Roman Religion.

JAMES,

Jacobi 21.

JAMES by the grace of God of Great Britain King, Defender of the Faith, &c. To all to whom this present writing shall come, greeting. Inasmuch as among many other things which are contained within the Treaty of Marriage between our most dear Son Charls Prince of Wales, and the most renowned Lady Donna Maria Sister of the most renowned Prince and our welbeloved Brother Philip the Fourth King of Spain, It is agreed, That we by our Oath shall approve the Articles under-expressed to a word:

Private Articles sworne to by the King in favor of *Roman Catholicks.*

1. *That particular Laws made against Roman Catholicks, under which other Vassals of our Realms are not comprehended, and to whose observation all generally are not obliged; as likewise general Laws under which all are equally comprised, if so be they are such which are repugnant to the Romish religion, shall not at any time hereafter by any means or chance whatsoever directly or indirectly be commanded to be put in execution against the said Roman Catholicks; and we wil cause that our Council shall take the same Oath as far as it pertains to them, and belongs to the execution which by the hands of them & their Ministers is to be exercised.*

2. *That no other Laws shall hereafter be made anew against the said Roman Catholicks, but that there shall be a perpetual Toleration of the Roman Catholick Religion within private houses throughout all our Realms and Dominions, which we will have to be understood as well of our Kingdoms of* Scotland *and* Ireland *as in* England; *which shall be granted to them in manner and form as is capitulated, decreed & granted in the Article of the Treaty concerning the Marriage.*

3. *That neither by us, nor by any other interposed person whatsoever, directly or indirectly, privately or publikely, will we treat (or attempt) any thing with the most renowned Lady Infanta* Donna Maria, *which shall be repugnant to the Romish Catholick religion; Neither will we by any means perswade her that she should ever renounce or relinquish the same in substance or form, or that she should do any thing repugnant or contrary to those things which are contained in the Treaty of Matrimony.*

4. *That We and the Prince of* Wales *will interpose our authority, and will do as much as in us shall lie, that the Parliament shall approve, confirm and ratifie all and singular Articles in favor of the Roman Catholicks, capitulated between the most renowned Kings by reason of this Marriage; And that the said Parliament shall revoke and abrogate particular Laws made against the said Roman Catholicks, to whose observance also the rest of our Subjects and Vassals are not obliged; as likewise the general Laws under which all are equally comprehended, to wit as to the Roman Catholicks, if they be such as is aforesaid, which are repugnant to the Roman Catholick Religion; And that hereafter we will not consent that the said Parliament should ever at any time enact or write any other new Laws against Roman Catholicks.*

MOreover I Charls Prince of Wales engage my self (and promise that the most Illustrious King of Great Britain, my most honored Lord and Father, shall do the same both by word and writing) That all those things which are contained in the foregoing Articles, and concern as well the suspension as the abrogation of all Laws made against the Roman Catholicks, shall within three years infallibly take effect, and sooner if it be possible, which we will have to lie upon our Conscience and Royal honor. That I will intercede with the most illustrious King of G. Britain my father, that the ten years of the education of the children which shall be born of this marriage, with the most illustrious Lady Infanta their mother, accorded in the 23 Art. (which term the Pope of Rome desires to have prorogued to twelve years) may be lengthened to the said

An. 1623.

term: And I promiſe freely and of my own accord, and ſwear, That if it ſo happen that the entire power of diſpoſing of this matter be devolved to me, I will alſo grant and approve the ſaid term.

Furthermore I Prince of Wales oblige my ſelf upon my faith to the Catholick King, That as often as the moſt illuſtrious Lady Infanta ſhall require that I ſhould give ear to Divines or others whom her Highneſs ſhall be pleaſed to employ in matter of the Roman Catholick religion, I will hearken to them willingly without all difficulty, and laying aſide all excuſe. And for further caution in point of the free exerciſe of the Catholick religion, and the ſuſpenſion of the Law above-named, I Charls Prince of Wales promiſe and take upon me in the word of a King, that the things above promiſed and treated concerning thoſe matters, ſhall take effect and be put in execution as well in the Kingdoms of Scotland and Ireland, as of England. A

The Privy-Councellors Oath was this: B

I A.B. do ſwear, That I will truly and fully obſerve, as much as belongeth to me, all and every of the Articles which are contained in the Treaty of Marriage between the moſt gracious Charls Prince of Wales, and the moſt gracious Lady Donna Maria, Infanta of Spain. Likewiſe I ſwear, that I will neither commit to execution, nor cauſe to be executed either by my ſelf, or by any inferior Officer ſerving me, any Laws made againſt any Roman Catholick whatſoever, nor will execute any puniſhment inflicted by any of thoſe Laws, but in all things which belong to me will faithfully obſerve his Majeſties word given in that behalf. C

A difficulty concerning the Popes title on the Kings part.

But in the taking of the ſolemn Publick Oath, it is ſaid there aroſe a difficulty between the King and the Spaniſh Ambaſſadors concerning the Popes title, *Moſt holy*; which the King refuſed to pronounce openly in the Chappel at *Whitehall*, alleadging that it was repugnant to his Religion, and might be an impeachment to his honor: But the Ambaſſadors would proceed no further, till the King had yielded to give him that Title.

Another on the Ambaſſadors part concerning prayers in the Kings Chappel. D

There was another rub, which the King ſoon removed. The Ambaſſadors had heard, that in the Kings Chappel when they ſhould come to ſee the ſwearing of the Articles, they ſhould be preſent at ſuch Prayers and Singing as were uſed in the Proteſtant Church; whereunto they declared that they could not yield, ſince the end of their coming thither was to maintain and warrant the Catholick, Apoſtolical, and Roman Church. Whereupon the King commanded, that nothing ſhould then be ſung, but what was chanted when the Conſtable of *Caſtile* did ſwear the Peace between the two Crowns, which was a Hymn of Joy in praiſe of Peace. E

A titular Biſhop of *Calcedon* ſent into *England*.

At that time *England* had ſwarms of Prieſts and Jeſuites, who were buſie in drawing the people from the Proteſtant-religion: And a titular Biſhop of *Calcedon* privately came to *London*, to exerciſe Epiſcopal juriſdiction over the Catholicks of this Kingdom.

Preparations for conducting the *Infanta* into *England*.

'Tis ſaid that King *James* had now ſo much confidence of the Match, as to ſay openly in the Court, That now all the Devils in hell could not break it. In *Spain* the *Infanta* was ſtiled the *Princeſs of England*, and was kept no longer in her Virgin-retirements. In *England* a Chappel was building for her at *S. James*, and *Don Carlos de Colona* laid the firſt ſtone: Her Picture was every-where to be ſeen, and a Fleet was prepared for her paſſage: And the greateſt Enemies to this Alliance ſubmitted to the Kings will. But in all this Capitulation between the two Crowns, hitherto the F

Reſti-

Restitution of the *Palatinate* was laid aside; the King conceiving that the Consummation of the Match would overrule and settle that affair to his entire satisfaction.

Jacobi 21. No mention made in the Capitulations of restoring the *Palatine*.

In the height of the Spanish Treaty, there was a notable Letter writ from Mr. *Alured* to the Duke, perswading him not only to endeavor the breaking off the Match with *Spain*, but also the preventing of any Match with a Princess of a different Religion.

Mr. *Alured* his Letter to the Duke.

A *THe Parable in the Gospel* (said he) *tells of a great King that married his Son, and bade many thereunto; yea, upon the excusal of some, and refusal of others, all of whatsoever condition, as well out of the high-ways (as the high-places) were called and invited. As every true Christian hath an interest in the Marriage of that Kings Son of Heaven, so every good Subject, as well as every great Subject, hath an interest in the Marriage and welfare of the Kings Son here on Earth. Which occasions so many (and me the*
B *meanest of those many) to wish that it may bring with it glory to Him on high, good will and peace to those on earth. Which is much doubted cannot be from* Spain, *since the motioning of that* Match *makes a general fear, that it can neither be safe for the Kings person, nor good for his Church and Commonwealth, because that thereby there may be an inlet to the* Romish Locusts, *who like the Cankerworm may in an instant smite our* Gourd, *under whose shadow we sit safe.*

To address this poor discourse to your Lordships more particular: Kings have almost ever used to have their Favorites: Alexander *had long since*
C *his* Ephestion, *and* Henry *the Third of* France *of late his* Espernon, *and* Philip *of* Spain *had since his* Lermas. *Yea, the best Princes have not wanted them: For after the reckoning of* David's *great Officers,* Hushai *the Archyte is called the Kings* Friend, *and* Ira *the Jarite is set down to have been* Chief *about* David. *Which stands to Reason, and agrees with Nature: For every private man is left to affect as he likes; neither can Affection be forced. Now to disallow or confine that in a King, which is left at liberty in the meanest Sub-*
D *ject, were prepostorous and injurious: For though they command Nations as they are Kings, yet they are subject to their Passions as they are men. And if I may alleadge it without misinterpretation of others, as I am free from ill meaning my self, Who knows but* Christ, *the rather to shew himself a Natural man, expressed so much the more his Passion in his often weepings and his Affection to divers particulars, but especially to S.* John, *if I may not say his Favorite, certainly the Disciple whom Jesus loved more then any of the rest. It is Gods blessing, and your happiness, if you account it so, to be the Kings Favo-*
E *rite. As* Peter *therefore not presuming to ask Christ who it was he spake of, beckoned to the Disciple whom Jesus loved, on whose breast he leaned, to ask for him; so since most men neither may, or ought to be so bold to ask or advise the King in this business so much spoken of, yet they point at you, who the higher you are in the Kings favor, the more you are in the Peoples eye and observation, and they expect you will not be wanting in the duty of a Subject, a Councellor, and a Favorite. We do not read of any servant almost better respected of his Lord and Master, then* Eliezar *of* Damascus, *whom* Abraham *had meant, had he died childless, to have made his heir; and we read not of any service he did* Abraham
F *more, at least greater, then in choice of a Wife for his son* Isaac. *Among the Servants of our Patriarch, the Defender of our Faith, we observe none better respected then your self; For the King hath manifested, he loves not your person only, but takes care for your soul, and labors to make you as good as great, and as happy in another world, as high in this: Yet we know not wherein you can do him better service, then with* Eliezar *to help to choose a* Rebeccah *for our hopeful Prince.*

An. 1623.

We have not heard (said he) *of any Protestant King that ever married with a contrary Religion, save the last* Henry *of* Navar *with the last* Margaret *of* France: *which Marriage so unfortunate to the parties (having never Issue) and being afterwards divorced, was also so fatal to our Religion, that there was more Blood spilt at those Nuptials, then Wine spent: For while the Protestants dreamed of the glory and security they should have by the Match, they were most miserably massacred. And who doubts but what the* French *Papists committed in their own Country upon that colour and occasion, the* Spanish *Papists would be glad to see done in this Kingdom upon the like? For without breach of charity we may doubt of their sincere meaning, though there be a Treaty of a Match: since in* Eighty Eight, *even while there was a Treaty of Peace, their* Armado *came upon us.* A

Again, we shall find it was forbidden in the best people in the world, to marry with a differing Religion. The injunction, the reason, and the effect are laid down in Deuteronomy *to the* Jews.

And if we descend to our own Books and Chronicles, we shall find that God hath crossed (if not cursed) our alliance and association particularly with the Spanish Nation; the position of that Country, and the disposition of that People being as it were so malignant and ill-agreeing with us. The Prince of the greatest performance that ever this Kingdom or Christendom had, was the Black Prince: *Yet our Chronicle records, that going into* Spain *to settle* Don Pedro *in that Kingdom, besides the monstrous ingratitude and perfidiousness of the* Spaniard, *who failed in the performance of those Conditions he had promised, which caused the miserable Revolt in* France *to the loss of our inheritance, the Prince was so poisoned in that Country, that he never had his health after.* B

Moreover he beseeched his Lordship to observe, that all the Marriages which the Heirs and Princes of this Crown have made in England *for these last six-score years, except the several second Matches of* Henry *the Eight, have been onely and no-where else but with* Spain; *which how little God hath blest, the success shews. Prince* Arthur *married the Spanish Kings daughter: We know God took him away suddenly within a very small time, and without any issue. In a Politick respect, we would yet make a second Match; so Prince* Henry *(afterwards King) married the same daughter: But doubtless God was less pleased with that Match, which was less lawful; and therefore God took away all the male-children of it, and left only a daughter, in whose short Reign was shed more blood for the true Religion in six years, then for the false in these succeeding sixty years. We made then a third Adventure and Marriage with* Spain, *Queen* Mary *with King* Philip: *which was so discontenting to the People, that it caused* Wyats *Rebellion; so discomfortable to the Queen, that it brake her heart, being left and neglected of her Husband; and so dishonorable and prejudicial to the Kingdom, that merely for the* Spaniards *sake, we having no difference at all with* France, *we lost* Calis *in six days, which had been above two hundred years in our possession.* C

He added lastly, *Though I have not so much judgment, nor so little wit as to presume to advise where to match; yet I assume so much, as to think, a Match at home cannot be held any ways inconvenient. We find the first and the last of our Kings that ever matched with their Subjects, were* Ed. 4. *and* Hen. 8. *From which two Matches, God (as it were to shew, the less we rely upon others abroad, the more he will help us himself at home) gave two daughters, two* Elizabeths, *two such Queens, then which there were never two more blessed Instruments of Gods glory and this Kingdoms good, by establishing Peace in the Land, and Religion in the Church, until his Majesties happy coming who brought both with him.* D

E

F

The

21 Jacobi.

The *French* were very jealous of the Conjunction between *Spain* and *England*, and thought it the ſafeſt way to make peace at home, and imploy their ſtrength to bound the Incroachments of *Spain* and the Houſe of *Auſtria*: By which means a bitter Perſecution ceaſed in that Kingdom; The Proteſtants of *France* were permitted to call home their baniſhed Miniſters, to build their ruined Temples, and to enjoy their liberty in Religion. This benefit did the Kings cloſing with *Spain* procure to a people almoſt ruined.

The *French* jealous of this conjunction.

A

But after all the Kings conceſſions, the *Spaniards* contrived new delays, and propoſed harder terms. The Pope had obliged the Catholick King to ſee the Conditions performed, and to protract the Marriage, till matters in *England* were in perfect execution. Whereupon the Divines adviſe that King, that the Promiſes of Marriage be made preſently, but the Conſummation thereof and the delivering of the *Infanta* be deferred till *May* the year following. And the death of Pope *Gregory* did ſtrengthen this contrivance: For the Spaniſh Miniſters pretended, that in regard there was no Contract, but a Treaty only on foot, the Diſpenſation which lay in the Nuncio's hands was by the Popes death ſuſpended, and a Ratification from the new Pope was requiſite before any further progreſs could be made.

B

Cardinal *Barberine* was choſen Succeſſor to *Gregory* the Fifteenth, and took the name of *Urban* the Eight. Soon after his election, he wrote theſe enſuing Letters, the one to King *James*, the other to Prince *Charls*.

C

Sereniſſimo JACOBO Magnæ Britanniæ Regi Illuſtri, URBANUS P. VIII.

SEreniſſime Rex, ſalutem & lumen Divinæ gratiæ. Scotiæ regnum quod inclytos terris Reges, ſanctiſſimoſque cœlo cives peperit, cum ad Cardinalatus noſtri patrocinium pertinaerit, lætitiæ ſimul ac mœroris uberem nobis materiam afferebat. Exultabamus gaudio, cogitantes in ea Regione, quam Romanorum arma expugnare omnino non potuerunt, Romanæ Eccleſiæ fidem feliciter triumphaſſe, Scotumque Regem nullum hactenus extitiſſe, qui Pontificiæ authoritatis hoſtis obierit. At enim vertebatur in luctum cythara noſtra, cum ad præſentium temporum miſerias, oculos lachrymis manantes converteremus: Videmini enim, laborante diſcordiarum patre, obliti eſſe eum qui nutrivit vos, & contriſtati nutricem veſtram Hieruſalem. Quare Apoſtolica ſedes, quæ populos iſtos jampridem Chriſto genuit, mœrore conficitur, dum tam præclaram hæreditatem

D

E

F

To the moſt Illuſtrious Prince *JAMES* King of Great Britain.

Pope *Urban* to K. *James*.

MOſt ſerene King, We wiſh you health, and the light of Gods grace. When the Kingdom of Scotland *which hath brought forth famous Kings to earth, and moſt holy Citizens to heaven, was under our protection whilſt we were yet Cardinal, it afforded us plentiful matter of joy and ſorrow. We were exceeding joyful when we conſidered, that the faith of the Roman Church hath happily triumphed in that Country which the Roman Armies could never conquer; and that there was never yet King of* Scotland, *who died an Enemy to the Popes authority. But our harp was turned into mourning, when we caſt our eyes flowing with tears upon the miſeries of the preſent times; For you ſeem (while the Father of diſcords is active) to have forgotten him who nouriſhed you, and to have made ſad your nurſe Jeruſalem. Wherefore the Apoſtles ſeat which brought forth that people to Chriſt, is pierced with ſorrow, while it beholds ſo famous an inheri-*

tance

An. 1623.

reditatem verti videt ad extraneos, damnique ſui magnitudinem Britannorum Regum laudibus iſtarumque Provinciarum gloria metitur. Id vero præter cætera dolendum orbi Chriſtiano videtur, Jacobum regem Catholicorum regum prolem, & ſanctiſſimæ Parentis filium, à Pontifice Maximo atque à Majoribus ſuis in Religionis cultu diſſentire. Si enim ſublime iſtud ingenium, quod literarum ſtudiis & prudentiæ artibus Rex celeberrimus excoluiſti, affulgenti Patri luminum aſſentiretur, facilè conjicit Chriſtiana Reſpublica quanto publicæ concordiæ bono factum eſſet, ut Nationes iſtas Inſulaſque, aut montium clauſtris, aut Oceani gurgitibus diſſitas, Scoticus rex imperio conjungeres. Videtur enim Majeſtas tua ob eam rem facta eſſe tot Provinciarum domina, ut ab eo, cui parent, facilius celeriuſque Regna iſta medelam ac ſalutem acciperent. Quare aſſiduis precibus jam tum eum venerabamur, qui dat ſalutem Regibus, ut tot Divinæ clementiæ beneficia, quibus in conſpectu Potentium admirabilis es, ad Britanniæ incolumitatem & Eccleſiæ gaudium conferret. Affulſit autem nobis non ita pridem beata ſpes oriens ex alto, cum te Auſtriacæ affinitatis cupidum cognovimus, ex Catholica matre progigni exoptantem eos, qui tuam hæreditatem adire, populoſque iſtos ditione tenere debent. Proin vix dici poteſt, quod nobis ſolatium obtulit ſanctiſſimæ recordationis Pontifex Gregorius XV. Prædeceſſor noſter, dum nos in eorum Cardinalium cœtum aſcivit quos Anglicani matrimonii cauſam cognoſcere voluit. Enituit in nobis tantum negotium diſſerentibus ſingularis quædam propenſio in Majeſtatem tuam, cujus cum faveremus laudibus, felicitati etiam conſultum cupiebamus. Nunc autem cum per Apoſtolici ſenatus ſuffragia ad hanc ſtationem pervenimus, ubi pro omnibus terrarum regibus excubandum eſt, non ſatis explicare poſſumus quanta

ritance to be given away to ſtrangers, and meaſure the greatneſs of its loſs by the praiſes of the Britiſh Kings, and the glory of thoſe Dominions. But this above all ought moſt to be lamented by the Chriſtian world, that King James, *the offſpring of Catholick Kings, and the Son of a moſt holy Mother, ſhould diſſent from the Pope of* Rome, *and from his own Anceſtors in point of Religious worſhip. For if thoſe eminent parts which you a moſt famous Prince have poliſhed with Learning and Arts of Prudence, would aſſent to the Father of lights illuminating the Chriſtian world, We eaſily apprehend how much it would conduce to the Publick peace, that being King of* Scotland, *you ſhould join in one Kingdom thoſe Nations and Iſlands divided either by the bars of the Mountains, or by the depths of the Ocean. For your Majeſty ſeems for that very reaſon to be made Lord of ſo many Provinces, that they might more eaſily and quickly receive healing and ſalvation from him whom they obey. Wherefore we even then beſought God by continual prayers, who gives ſalvation to Kings, that ſo many bleſſings by his grace conferred upon you, by which you are admirable in the ſight of Potentates, might bring ſafety to* Britain, *and joy to the Church. A bleſſed hope from above not long ago ſhined upon us, when we underſtood that you were deſirous of a Catholick alliance, and that the Iſſue which ſhould ſucceed in the inheritance and government of thoſe Nations might be begotten of a Catholick mother. We can ſcarcely expreſs how much joy* Gregory *the Fifteenth of bleſſed memory, our Predeceſſor, brought us, when he made us one of the Congregation of thoſe Cardinals whom he would have to take cogniſance of the* Engliſh Match: *While we diſcourſed of a matter of ſo great importance, we expreſſed a ſingular propenſion of mind towards your Majeſty, and were both tender of your praiſes, and deſirous to provide for your happineſs. And now being by the conſent of the Apoſtolical Senate advanced to this ſtation, where*

we

quanta nobis cura & deſiderium ſit Magnæ Britanniæ, ac tanti Regis dignitas. Divinitus vero accidiſſe videtur, ut primæ literæ quæ nobis in B. Petri ſede regnantibus redderentur, eæ fuerint quas Prædeceſſori noſtro Nobiliſſimus Carolus Wal-
A liæ Princeps ſcripſerat, teſtes ſuæ in Romanos Pontifices voluntatis. Nunc autem cum venerabile illud Conjugium, benedicente Domino, perfici cupiamus, alloqui te decrevimus, nullis Majeſtatis tuæ literis expectatis. Charitas enim Pontificii Imperii decus eſt; & quamvis in
B ſede hac potentiſſimorum regum obſequiis culti commoremur, magnificum tamen nobis exiſtimamus, ſuadente charitate, ad humiles etiam preces deſcendere, dum animas Chriſto lucremur: Primum ergo credere omnino te volumus nullum eſſe in orbe Chriſtiano Principem, à quo
C plura expectare poſſis paternæ benevolentiæ documenta, quàm à Pontifice Maximo, qui te deſideratiſſimum filium Apoſtolicæ charitatis brachiis complecti cupio. Scimus quibus te literis nuper ad tantum decus adipiſcendum excitavit Gregorius XV. Cum in ejus locum ve-
D nerimus, ejus in te propenſionem non imitabimur ſolum, ſed etiam ſuperabimus. Speramus enim Nuntios è Britannia propediem allatum iri, qui Majeſtatem tuam rei Catholicæ favere teſtentur, Catholicoſque iſthic commorantes, quos Pater miſericordiarum aſſeruit in libertatem
E filiorum Dei, pœnarum formidine liberatos, Regali tandem patrocinio perfrui. Remunerabitur ille qui dives eſt in miſericordia, ejuſdmodi conſilium, illuſtri aliqua felicitate: Tum nomini Majeſtatis tuæ plau-
F dent regna terrarum, & militabunt acies cœleſtis exercitus: Frendant licet dentibus ſuis peccatores, minetur ſeditione potens impietas, ſperat Europa ſe viſuram Jacobum Regem in Romana eccleſia triumphantem, & Majorum ſuorum exempla novis pietatis operibus augentem.

we are to watch and ward for all earthly Monarchs, we cannot ſufficiently declare what a care and deſire we have of Great Britain, *and the honor of ſo great a King. It ſeems to have been a ſpecial providence of God, that the firſt Letters which we received reigning in the ſeat of S.* Peter, *were thoſe which the moſt noble* Charls *Prince of* Wales *wrote to our Predeceſſor, as a teſtimony of his affection to the Popes of* Rome. *And ſince we now deſire that this venerable Marriage ſhould by the bleſſing of God be perfected, we reſolved to write unto you, without expecting Letters firſt from you; for Charity is the honor of the Papal Empire; and although moſt powerful Kings do homage to us in this ſeat, yet we account it glorious (charity ſo perſwading) to deſcend to humble prayers, ſo that we may gain ſouls to Chriſt. Firſt therefore we deſire you to perſwade your ſelf, that there is no Prince in the Chriſtian world, from whom you can expect more evidence of fatherly affection then from the Pope, who deſires to embrace you a moſt deſired Son with the arms of Apoſtolical charity. We know with what a Letter* Gregory *the Fifteenth excited you to obtain ſo great a glory; And ſince we have ſucceeded him, we will not only imitate his inclinations towards you, but will exceed them. We hope we ſhall ſhortly have news out of* England, *that your Majeſty is favorable to the Catholick intereſt; and that the Catholicks who live there, whom the Father of mercies hath vindicated into the liberty of the ſons of God, being freed from the fear of puniſhment, enjoy your Royal protection. He who is rich in mercy, will reward ſuch a purpoſe with ſome ſignal happineſs: The Kingdoms of the Earth will applaud your Majeſty, and the Hoſt of Heaven will wage war for you: Though ſinners gnaſh their teeth, and Impiety powerful to raiſe ſedition threaten, yet* Europe *hopes ſhe ſhall ſee King* James *triumphing in the Roman Church, and increaſing the example of his Anceſtors by new works of Piety. We do not diſtruſt*

An. 1623.

gentem. Non diffidimus adeſſe jam tempus Divini beneplaciti, quo illis qui Britannicæ religionis laudes monumentis conſignant, non ſemper alterius ſeculi facta loquentur, ſed præſentis etiam Principatus decora conſequentibus ætatibus proponere poterunt ad imitandum. Majores illi tui te vocant, qui tibi tantæ claritudinis & potentiæ hæreditatem reliquerunt, qui cœleſtis regni fores Pontificiis clavibus generi humano patefieri crediderunt. Certè fieri non poteſt, ut Majeſtas tua tot ſæculorum fidem, & Regum de te præclarè meritorum, judicium aut contemnere audeat, aut condemnare. Nonne vides ſententia Majeſtatis tuæ iis omnino cœlum eripi, qui tibi Regnum reliquerunt, dum eos in Religionis cultu aberraſſe contendis? Ita fieret, ut quos univerſa Eccleſia cives cœli & cohæredes Chriſti in æterna patria dominari credit, tu ex ipſorum ſanguine prognatus tuo ſuffragio è cœlo detraheres, atque in errorum abyſſum, & pœnarum carcerem detruderes. Non ſentis tanti cogitatione facinoris ingrati animi tui viſcera perhorreſcere? Nonne ejuſmodi conſiliis Regalis ingenii indoles reclamitat? quam tamen tot Europæ Nationes, dum ab Apoſtolica ſede diſſentit, reprehendere coguntur. Alliciat oculos tuos tantæ gloriæ ſplendor, quæ tibi è cœlo caput oſtentat, & manum porrigit, in Sanctuarium Dei Britannos Reges per te reductura, comitantibus Angelis, hominibuſque plaudentibus. Jacebat olim in orbe terrarum deformata æruminis Chriſtiana religio tyrannorum minas expaveſcens. Eam vero non ſolum è latibulis eduxit, ſed ad imperium etiam vocavit Imperator ille, quem Magnæ Britanniæ debemus, Conſtantinus Magnus, Pontificiæ authoritatis Propugnator, & Romanæ fidei aſſertor: Hic aptum Majeſtatis tuæ Regalis imitationis exemplar, non Reges illi

diſtruſt that the time of Gods good pleaſure is now at hand, when they who recommend to Hiſtory the praiſes of the Britiſh Religion, ſhall not always ſpeak of the deeds of another Age, but may be able to propoſe the preſent Government as a pattern of imitation to the Ages following. Your Anceſtors call upon you, who have left you ſo powerful and ſo famous an inheritance; who believed that the gates of the kingdom of Heaven were opened to mankind with the Popes keyes. Certainly it cannot be, that your Majeſty ſhould dare either to contemn or condemn the belief of ſo many Ages, and the judgment of ſo many Kings, who have deſerved well of you. Do you not ſee, that by your Majeſties opinion they are deprived of Heaven, who left you a Kingdom, while you contend that they erred in the worſhip of their Religion? By this means it would be, that whom the Univerſal Church believes to be Citizens of Heaven, and to reign as Coheirs with Chriſt in that everlaſting Country, you who are deſcended of them ſhould ſnatch them out of Heaven, and thruſt them into the bottomleſs pit of Error, and the priſon of helliſh torments. Do you not perceive your bowels yearn at the thought of ſo ungrateful an offence? Are not ſuch deliberations repugnant to your Royal temper? which nevertheleſs ſo many Nations of Europe *are forced to reprehend, while it diſſents from the Seat of the Apoſtles. Let the ſplendor of ſo great glory allure your eyes, which looks out of Heaven upon you, and reaches you out a hand ready to reduce by your means the Kingdom of* Britain *into the Sanctuary of God, with the conduct of Angels and acclamations of men. A long time ago, Chriſtian religion lay all along in the world ſqualid and deformed with anguiſh, affrighted with the threats of Tyrants: But that Emperor whom we owe to* Great Britain, Conſtantine *the Great, the Defender of the Popes authority, and the Avoucher of the Roman Faith, did not only bring her out of her lurking places, but*

but called her to an Empire. He is a fit pattern of imitation for your Majeſty; not thoſe Kings who have tranſgreſſed and diſſipated the Everlaſting Covenant. We call you, O moſt wiſhed for Son, from this Watch-Tower of the World, into the Society of his Glory: Adde one day to your paſt years, which all poſterity may celebrate with a grateful memory. Put a Mitre of Eternal Glory upon your head, that in the time of your Reign, we may ſay with the Holy Apoſtle, I have ſeen a new Heaven in Britain, and a new City deſcending from Heaven, and a guard of Angels upon her Walls. If that ſhould come to paſs, we ſhall make reckoning, that our Reign hath been happy to mankinde. This our Sollicitude we believe will be ſo grateful unto you, That we verily hope upon the receipt of our Letter, you will forthwith increaſe the advantage of the Catholicks which live there: Which if you ſhall do, you will exceedingly oblige us, and we ſhall conſign to you the King of Kings debtor of ſo great benefit, who ſo long as he ſhall preſerve your Royal Family in eminent Happineſs, ſhall ſecond the wiſhes of the Roman Church, and bring joy to the holy Prelates.

illi qui ſunt tranſgreſſi diſſipantes fœdus ſempiternum: In ejus gloriæ Societatem nos ex hac terrarum ſpecula te vocamus, exoptiſſime Fili. Impone præteritis annis diem unum, grata totius poſteritatis memoria celebrandum. Impone Mitram capiti tuo honoris æterni, ut te rerum potiente dicere cum Sancto Apoſtolo poſſimus, Vidi in *Britannia* Cœlum novum & Civitatem novam deſcendentem de cœlo, & ſuper muros ejus *Angelorum* cuſtodiam. Id ſi continget, Pontificatus noſtri tempora generi humano fælicia affulſiſſe arbitrabimur. Cœterum tibi Sollicitudinem hanc noſtram adeo gratam fore exiſtimamus, ut omnino ſperemus te his literis acceptis ſtatim Catholicorum iſthic degentium commoda aucturum. Quod ſi præſtiteris, & nos tibi mirum in modum devinxeris, & Majeſtati tuæ tanti beneficii debitorem delegabimus ipſum Regem Regum, qui dum Regalem iſtam Domum illuſtri aliqua fælicitate ſoſpitabit, *Romana* Eccleſiæ votis annuet, & Sacrorum Antiſtitum gaudio conſulet.

21 Jacobi.

Dated at *Rome* at St. *Peters*, *ſub annulo Piſcatoris*, 15 Octob. 1623. The firſt year of our Reign.

Datum Romæ *apud Sanctum* Petrum *ſub annulo Piſcatoris, die XV Oct. MDCXXIII. Pontificatus* 1°.

An. 1623.

Pope *Urbans* Letter to Prince *Charls.*

Nobiliſsimo Viro Carolo *Principi* Walliæ, Urbanus *Papa Octavus.*

NObiliſſime Princeps, ſalutem & lumen Divinæ gratiæ. Primæ literæ, quæ Nobis ad Apoſtolatus ſolium elatis redditæ ſunt, illæ fuerunt quas ad Sanctiſſimæ memoriæ *Gregorium* Decimum-quintum Prædeceſſorem noſtrum ex *Hiſpania* miſiſti. Manus ad cœlum ſuſtulimus, & Patri miſericordiarum gratias egimus, cum in ipſo noſtri Regiminis exordio Pontificem *Romanum* eo Officii genere colere *Britanniæ* Princeps inciperet. Singulari noſtri quadam animi propenſione rei *Anglicanæ* jamdiu favemus, quo factum eſt, ut in hoc Antiſtitum Conventu, & Nationum Patria, *Scoti* tui, dum Cardinalem ageremus, ſe in noſtram potiſſimum Fidem ac clientelam contulerint. Patrocinium autem tam ſplendidæ Provinciæ ſuſcipientes, identidem majorum tuorum res geſtas, & *Britannicarum* Inſularum laudes contemplabamur. Eos autem quo illuſtriores orbi terrarum anteactæ ætates oſtentabant, eo nos impenſius cupiebamus conſimilibus Chriſtianæ pietatis triumphis hæc tempora illic inſigniri. Cum autem Magnæ *Britanniæ* Rex, Pater tuus, non minorem ex diſciplinarum fama, quam ex potentiæ vi gloriam concupierit, optavimus ſemper, ſupra quam dici poteſt, ei divinitus inſignem aliquam offerri occaſionem generis humani demerendi, & cœleſtis hæreditatis adipiſcendæ. Nunc autem adveniſſe tempus credimus quo votis noſtris frui liceat, cum ad tantum decus potentiſſimo parenti aditum patefacere in præſens videaris, Filius in maximarum rerum ſpem genitus. In ea enim ſententia ſumus ut arbitremur, tantum

To the moſt Noble Prince *Charles*, Pope *Urban* the Eight.

MOſt Noble Prince, we wiſh you health and the light of Gods Grace. The firſt Letters which were delivered to us after we were preferred to the Throne of the Apoſtleſhip, were thoſe which you ſent out of Spain *to* Gregory *the Fifteenth of famous memory, our Predeceſſor. We liſted up our hands to Heaven, and gave thanks to the Father of Mercies, when in the very entry of our Reign, a Britiſh Prince began to perform this kinde of obeiſſance to the Pope of* Rome. *We have been a long time favorable to* England *by a natural bent and inclination, whence it came to paſs that your Scotchmen recommended themſelves to our eſpecial Truſt and Patronage in this Aſſembly of Prelates, and Country of all Nations, while we were yet Cardinal. When we undertook the protection of ſo famous a Kingdom, we did often contemplate the Exploits of your Anceſtors, and the Elogies of the Britiſh Iſlands; and by how much former ages did repreſent them more glorious to the World, by ſo much did we more earneſtly deſire that theſe times might there be made remarkable with the like triumphs of Chriſtian Piety: And ſeeing the King of Great* Britain, *your Father, loveth no leſs the glory of Learning, then that of Might and Power; we have always heartily wiſhed above what we are able to expreſs, that God would be pleaſed to put into his hand ſome eminent occaſion, whereby to oblige mankinde, and obtain an eternal Inheritance. And now we believe the time is come to enjoy our wiſhes, ſince you ſeem at preſent to open the way for ſo great a fame to your moſt Noble Father, a Son begotten unto the hope of the greateſt concernments;*

cernments; for we are of opinion, that your ſo vehement deſire of a Catholick marriage, is a certain voice of God calling you, and diſpoſing all things ſweetly. For it is not neceſſary that the Omnipotent ſhould always thunder with the voice of his greatneſs; becauſe ſecret counſels themſelves, directing men into the way of Salvation, are words by which the Eternal Wiſdom ſpeaks and declares the command of a Deity. Wherefore we have ever endeavored to the utmoſt of our power, that this Honorable Marriage, by the bleſſing of God, might be finiſhed. From hence you may perceive, that none could have been advanced to this heighth of humane Affairs, from whom you may expect more expreſſions of good will or fruits of bounty. For your Anceſtors which tamed Heretical Impieties, and not onely revered, but vindicated the Roman Hierarchy, do recommend you a moſt Noble Prince to the Papal Charity: For when Monſters of new Opinions broke into the Bulwarks of the Northern Ocean, they bridled the endeavors of the wicked with wholeſome arms, and did not change the truth of God into a lye. And if you, as you write, ſhall in good earneſt glory more in the imitation of your Anceſtors, then that you are deſcended of Kings, we eaſily foreſee how great joy to the Church of Rome and how great felicity to the Britiſh Kingdoms theſe words do promiſe, which deſerve to be written in the Book of Life. Such good turns, O moſt deſired Son, the venerable Aſſembly of the Scotiſh Kings exacts and expects from you; whoſe actions without doubt he condemns, who revolts from their Religion. The Catholick Kings of all Europe require this of you; for how can their Concord be the Vow of your care, as long as you diſſent from them in a matter of the greateſt importance, that is, in the veneration of holy Rites? The Roman Church which England reverenced long ago, as the Miſtreſs of Truth, whoſe belief you

A B C D E F

tum quo flagras, Catholici conjugii deſiderium, quandam Dei te vocantis, & ſuaviter omnia diſponentis, vocem eſſe. Nam opus Omnipotenti non eſt tonare ſemper voce magnitudinis ſuæ, quia ipſa arcana conſilia dirigentia mortales in viam ſalutis, verba ſunt quibus æterna ſapientia loquitur, & jubentis Numinis mandata declarat. Quare omni ſemper ſtudio elaboravimus, ut conjugium hoc honorabile, benedicente Domino, perficeretur. Hinc conjicere potes, non potuiſſe alium ad ſacrum hoc rerum humanarum faſtigium provehi, à quo plura ſperare poſſis documenta benevolentiæ & beneficentiæ fructus. Te enim Principem Nobiliſſimum Pontificiæ charitati commendant majores tui, Hæreticæ Impietatis domitores, & *Romanæ* Hierarchiæ non cultores modo, ſed vindices. Ii enim cum dogmatum novorum portenta in ea Septentrionalis Oceani propugnacula irrumperent, impiorum conatus ſalutaribus armis compeſcuerunt, nec commutaverunt veritatem Dei in mendacium. Quod ſi, ut ſcribis, reipſa magis gloriaberis de avitæ imitatione Religionis, quam de Regii ſanguinis Hæreditate, facilè proſpicimus quantam ejuſmodi verba, in libro viventium exaranda, *Romanæ* Eccleſiæ lætitiam, & Britannicis Regnis fælicitatem polliceantur. Hæc à te beneficia deſideratiſſime Fili, exigit atque expectat venerandum illud Regum *Scotorum* Concilium, quorum facta abſque dubio condemnat qui ab illorum Religione deſciſcit. Hoc à te Catholici totius *Europæ* Reges flagitant; quomodo enim eorum concordia poteſt votum eſſe ſolicitudinis tuæ, donec ab eis in maxima re, id eſt, in Sacrorum cultu diſſentias? *Romana* Eccleſia, quam Magiſtram veritatis *Anglia* tam diu coluit, cujus fidem tibi non inviſam eſſe fateris, cupit tibi cœleſtis Regni

21 Jacobi.

An. 1623.

fores quam primum patefacere, & te in Majorum tuorum poſſeſſionem reducere. Cogita te nunc in *Hiſpania* Regia ſpectaculum eſſe factum Deo & hominibus, ſemperque fore deſiderium & curam Pontificatus noſtri. Cave ne conſilia eorum, qui terrenas rationes cœleſtibus anteferunt, obdurent cor tuum, nobiliſſime Princeps lætifica tandem Militiam Cœleſtis exercitus, in tuis caſtris demicaturam, ac faventibus Angelis, hominibuſque plaudentibus, redi, Fili exoptatiſſime, ad Eccleſiæ te cupientis amplexus, ut in Matrimonio tuo geſtientes gaudio canere poſſimus, Dominus regnavit, & decorem indutus eſt. Omnino qui Catholicæ Virginis nuptias concupiſcis, Cœleſtem etiam illam ſponſam tibi aſſumere debes, cujus forma ſe captum fuiſſe *Solomon* ille Regum ſapientiſſimus gloriatur. Hæc enim ſapientia eſt, per quam Reges regnant, cujus dos eſt ſplendor gloriæ, & Principatus ſempiternus. Eam vero à terrarum contagione ſecretam, atque in ſinu Dei recubantem, in *Romana* Eccleſiæ Sanctuario Majores tui quæſiverunt. Qui tibi has hortationes conſcribimus, & benevolentiam Pontificiam teſtamur, cupimus perpetuis Hiſtoriarum Monumentis nomen tuum commendari; atque in eos Principes referri, qui præclare merentes in terra de Regno Cœleſti, fiunt poſteritati virtutis exemplar & votorum menſura. Oramus Patrem luminum, ut beata hæc ſpes, qua nobis tanti Principis reditum, deducente Spiritu Sancto, pollicetur, quam primum ferat fructus ſuos, & Magnæ *Britanniæ* ſalutem, totique orbi Chriſtiano pariat lætitiam.

Datum Romæ *apud Sanctum* Petrum *ſub annulo Piſcatoris, Die* 15 *Octob.* 1623. *Pontificatus noſtri Anno Primo.*

you confeſs you hate not, deſires forthwith to open unto you the Gates of the Heavenly Kingdom, and to bring you back into the poſſeſſion of your Anceſtors. Think that now in Spain *you are become a ſpectacle to God and Men, and that you ſhall always be the deſire and care of our Reign. Take heed moſt Noble Prince, that the Counſels of thoſe who prefer worldly intereſts before heavenly, do not obdure your heart. Make glad the Hoſt of Heaven which will fight in your Camps; and return, O moſt wiſhed for Son, into the embraces of the Church which deſires you with the applauſe and favor of Men and Angels; that ſo rejoycing in your Marriage, we may ſing with joy, The Lord hath reigned and put on comelineſs. Certainly you who deſire the Marriage of a Catholick Virgin, ought to eſpouſe the heavenly Bride, with whoſe beauty* Solomon *the wiſeſt of Kings, boaſts himſelf to have been enamored. For this is the Wiſdom by which Kings reign, whoſe Dowry is the ſplendor of Glory, and an eternal Principality, and your Anceſtors ſought her in the Sanctuary of the* Roman *Church, ſevered from the contagion of the World, and repoſing in the Wiſdom of God. We who write to you this Exhortation, and teſtifie our Papal Charity, deſire to have your name renowned in the Hiſtories of all Ages, and that you may be recorded amongſt thoſe Princes, who deſerving well on Earth of the Kingdom of Heaven, are become the example of Vertue to poſterity, and the meaſure of wiſhes. We beſeech the Father of Lights, that this bleſſed hope by which he promiſeth us the return of ſo great a Prince, by the conduct of the Holy Ghoſt, may forthwith fructifie and bring Salvation to Great* Britain, *and joy to all the Chriſtian World.*

Dated at *Rome* at St. *Peters ſub annulo Piſcatoris, die* 15 Octob. 1623. in the Firſt year of our Reign.

Not-

Jacobi 21.

Notwithstanding this great business of State began to look with an ill aspect, by the concurrence of various Passages tending to a Rupture of the Treaty. In *England* the Spanish Ambassadors demands grew high and peremptory; yet the King to give them content, directed the Lord Keeper and other Commissioners to draw up a Pardon of all Offences past, with a Dispensation for those to come, to be granted to all *Roman* Catholicks obnoxious to any Laws against Recusants; and then to A issue forth two General Commands under the Great Seal of *England*: The one to all Judges and Justices of Peace; and the other to all Bishops, Chancellors, and Commissaries, not to execute any Statute against them.

The Treaty begins to tend to a rupture.

The General Pardon was passed in as full and ample manner as themselves could desire, or pen it: But to that vast Prohibition to the Judges and Bishops, some stop was made by the Advice of the Lord Keeper, for these Reasons.

The Prohibition to the Judges and Bishops, in behalf of the Catholicks suspended.

B First, Because the publishing of this General Indulgence at one push, might beget a General Discontent, if not a Mutiny; but the instilling thereof into the peoples knowledge by little and little, by the favors done to particular Catholicks, might indeed loosen the Tongues of a few particular persons, who might hear of their Neighbors Pardon, and having vented their dislikes, would afterwards cool again; and so his Majesty might with more conveniency by degrees inlarge his favors.

C Secondly, Because to forbid the Judges against their Oaths, and the Justices of Peace, who are likewise sworn to execute the Law of the Land, is a thing unpresidented in this Kingdom, and would be a harsh and bitter Pill to be digested without some preparative.

The two Ambassadors with much ado consented, That the matter should rest till the end of Six Moneths, or the *Infanta*'s arival; yet they did it with a shew of discontent, as if the King performed nothing. The disaffection of these Ministers was supposed to be one rub in the way of this Alliance. And on the other side, some of the Princes followers in D *Spain*, being zealous of the Protestant Religion, disliked the Match, and shewed their aversness to it. Sir *Edmund Verney* struck an English man, a *Sorbon* Doctor, a blow under the Ear, for visiting and laboring to pervert one of the Princes Pages, who was sick of a mortal Feaver. Divers derided the Popish Ceremonies, and Spanish Garb, and slighted the Country, and some committed irreverent actions in the Kings own Chappel. Hereupon they began to disgust the English, and to rail at *Gondomar* for informing the King and State, That the Prince might be E made a Catholick. Moreover those many Irish that subsisted by Pensions from the Crown of *Spain*, did no good offices; and the *French* and *Venetian* Ambassadors in that Court, were conceived not to be idle: But there were greater things then these. The Duke of *Buckingham*, the Princes Companion and Guardian, was much disrelished by the Court of *Spain*. His French garb, the height of his spirit, and his over-great familiarity with the Prince, were things opposite to the way, and temper of that grave, sober, and wary people. And the Council of *Spain* took F exceptions, that he should come with such a superintendent power in that great affair, among so many grave Statesmen, to the prejudice of so able a Minister as the Earl of *Bristol*, who had laid the first stone in that building: Whereupon his power was called in question, and found imperfect, in regard it was not confirmed by the Council of *England*: Moreover, the Duke lay open to some affront, which inraged him sore against the

Some of the English in *Spain*, dislike the Match and Religion.

The Duke disgusted in *Spain*.

Conde

An. 1623.

Conde Olivares; and things grew to that extremity between the Duke and that Kings Miniſters, that they did not ſtick to ſay, That they would rather put the *Infanta* headlong into a Well, then into his hands. Nevertheleſs, in the Prince himſelf they obſerved an extraordinary well ſtaid temper and grave comportment.

Buckingham and *Briſtol* run different ways.

In the preſent action, *Buckingham* and *Briſtol* ran different ways with great animoſity: *Briſtol* had the advantage in *Spain*, yea, in the Court of *England* he had gained a great eſteem and powerful party, and had wrought himſelf into the Kings opinion by his ſtrenuous Negotiation and pleaſing Services. As concerning the Dukes demeanor, the opinions in *England* were very different: By the people in general who loathed the Match, he was favored for his care of his King, Prince, and Country; but by the Court he was much maligned and cenſured, as the occaſion of thoſe delays, by diverting and changing the ways wherein they began to treat: But the King himſelf was very reſerved, either ſtill loving the Duke, or over-awed by his intimacy and power with the Prince. For in all occurrences the Prince cloſed with him, and ſeemed to give him a large room in his heart. Now the Dukes friends at Court preſſed him to return ſpeedily, and by all means with the Prince, and aſſured him, That the longer he ſtayed there, the ſtronger he made his enemies, and himſelf the weaker.

The *Palatine* by his Secretary labors to engage the Prince againſt the Marriage.

And *Buckingham* well obſerved, that he had little obligation to *Spain*, and had reaſon to ſeek ſome ſurer props to uphold his greatneſs. And to draw him further off, the Secretary of the Prince *Palatine* coming to *Madrid*, under pretence of praying the Duke to be God-father to one of his Maſters Children, labored to engage him againſt the Marriage: For the *Palatine* could not relie on the new overture of Marriage between his Eldeſt Son, and the Emperors yongeſt Daughter, it being a labyrinth out of which no Thred would guide him, were the Propoſals already granted: For being an act of ſo many various parts, as the Pope, the Emperor, the King of *Spain*, the Duke of *Bavaria*, and divers others, it muſt needs be full of tedious intricacies. What Money or other conditions could be offered, that were like to ſatisfie the honor, humor, and huge expence of the *Bavarian*, for quitting his conqueſt to an irreconcileable Neighbor? What Forein Alliance is able to perſwade the Emperor, who hath changed all Tenures of Election into Succeſſion, and ſhaken the antient Freedom of the *German* Princes, that he ſhould revive his Enemies dead forces to the prejudice of all that he enjoys, or aſpires unto? Would the Pope be won to ſuffer *Heidelburgh*, which he accounted the moſt dangerous Neſt of Hereticks after *Geneva*, to return to her former ſtrength? Beſides the Education of the *Palſgraves* Son in the Emperors Court, and the Sequeſtration of his Country, during his Sons Nonage, would be required as neceſſary to that Conjunction.

The *Spaniard* continues new delays.

By this time the King muſt needs be full of jealouſies, and the Princes patience well nigh ſpent by the *Spaniards* intricate proceedings; for the Divines inſiſted ſtifly, That the Conſummation of the Marriage, and the delivering of the *Infanta*, ſhould be deferred to the next year; which ſeemed a rigorous Propoſal. Howbeit, that King promiſed to abate the rigor, and engaged himſelf to accompliſh the Marriage at *Chriſtmas* following, if the Prince would continue there ſo long. But the reſolution touching the delivering of the *Infanta*, was unalterable.

The Engliſh Papiſts perplexed.

The Engliſh Papiſts apprehending that a Rupture was like to follow, were

Jacobi 21.

were much perplexed: A great Stickler, Sir *Toby Matthews* by name, did preſs his Catholick Majeſty to give the Prince ſome foot of ground, upon which he might be able to ſtand with honor, in complying with that extraordinary affection which he beareth to the *Infanta*. Moreover he proteſted to him, That if the Catholicks of theſe Dominions ſhould grow liable to perſecution or affliction by the occaſion of this breach, through the diſguſt of the King and his Council, or through the power which the Puritans aſſembled in Parliament will infallibly have with him, that blood or miſery may be partly required at their hands who have adviſed his Majeſty not to accept thoſe large Conditions which the King and Prince had condeſcended unto, and that more then Moral ſecurity which they had offered for the performance thereof.

A

The Prince ready to depart from the Court of *Spain*, leaves a Proxy with the Earl of *Briſtol*.

Now the Prince is thinking to leave the Court of *Spain*, and they ſay he wrote to his Father a Letter of high Deſpair, wherein was this paſſage, *You muſt now Sir look upon my Siſter and her Children, never thinking more of me, and forgetting that ever you had ſuch a Son:* Whereupon King *James* ſent ſwift diſpatches to haſten his return. The King and Council of *Spain* ſeemed to be ſtartled at theſe Reſolutions, and his Majeſty importuned the Prince, That having ſtaid ſo many years for a wife, he would ſtay ſome few moneths longer: And if he pleaſed to give way that the *Infanta*'s journey might be put off till the following Spring, he would give him a Blank to write his own Conditions touching the ſurrender of the *Palatinate*. But when his Highneſs urged Reaſons for his departure, they took the matter in debate afreſh, and conſented upon Oath firſt given, as well by his Catholick Majeſty, as by the Prince, to accompliſh the Marriage, and to make the Eſpouſals within ten days after the Ratification ſhould come from *Rome:* To which purpoſe the Prince made a Procuration to the King of *Spain*, and *Don Carlos* his Brother, to make the Eſpouſals in his Name, and left it in the Earl of *Briſtols* hands. Nevertheleſs he left in the hand of one of the Dukes Creatures, a private Inſtrument, with Inſtructions to be delivered to the Earl of *Briſtol*, to ſtay the delivery of the Proxies, till further direction from him, pretending, That the *Infanta* might retire into a Cloiſter, and defraud him of a Wife. But theſe Inſtructions were to be concealed from the Earl till the Ratification came from *Rome*.

B

C

D

The Duke and *Olivares* part not Friends.

The Duke not regarding a Ceremonious Farewel at Court, departed haſtily a little before the Prince, pretending to prepare the Engliſh Navy that lay at the Port of St. *Andrew* for the Princes tranſportation. *Olivares* and he had but a harſh parting; for he told *Olivares*, That he was obliged to the King, Queen, and *Infanta*, in an eternal tye of gratitude; and that he would be an everlaſting Servant to them, and endeavor to do the beſt Offices for concluding the Match, and ſtrengthning the Amity between the Crowns: But as for himſelf, he had ſo far diſobliged him, that he could not without flattery make the leaſt profeſſion of friendſhip to him. The *Conde* replied ſhort, That he accepted of what he had ſpoken. The Duke departing with ſo little ſatisfaction, the *Spaniards* concluded, that he would endeavor by all means poſſible to hinder the Marriage.

E

F

The Prince univerſally eſteemed.

But the Prince for his part had gained an univerſal love, and was reported by all, to be a truly Noble, diſcreet, and well-deſerving Prince; his grave comportment ſuited with the very *genius* of that Nation, and he carried it from the firſt to the laſt with the greateſt affability, gravity, and conſtancy; and at his farewel, with unparallel'd bounty; and he left

An. 1623. left behinde him Gems of ineſtimable value for the *Infanta* and ſeveral Grandees.

His departure from *Madrid*, being the Twelfth of *September*, was very ſolemn, the Queen and the *Infanta* were prepared in great magnificence with a Train of Grandees, and Ladies, to receive his farewel: And among other paſſages, this one was taken to be an Argument of the *Infanta*'s real love to the Prince, That ſhe cauſed many divine duties to be performed for the ſafety of his return into *England*. The King brought him on his way to the Eſcurial, and there feaſted him, and at the Minute of parting, declared the Obligation which the Prince had put upon him by putting himſelf into his hands, a thing not uſual with Princes; and he proteſted, That he earneſtly deſired a nearer Conjunction of Brotherly affection, for the more intire unity betwixt them. The Prince replying to him, magnified the high favors which he found during his abode in his Court and preſence, which had begotten ſuch an eſtimation of his worth, that he knew not how to value it; but he would leave a Mediatrix to ſupply his own defects, if he would make him ſo happy as to continue him in the good opinion of her his moſt fair, and moſt dear Miſtreſs.

His departure ſolemn.

The Prince feaſted the *Dons* aboard his Ship, and bringing them back again to the ſhore, a ſtorm ſurpriſes them.

From thence he was attended with a Train of Spaniſh Courtiers to the Engliſh Navy, where he feaſted the *Dons* aboard his own Ship; and when he was bringing them back to ſhore, there aroſe a furious ſtorm wherewith the Barge was ſo driven, that it could neither fetch the Land, nor make to the Ships again. The night came on, and the tempeſt and darkneſs meeting, made their condition deſperate; till at length eſpying a light from a Ship, near which the winds had driven them, they made towards it, and then with extream hazard were reimbarqued.

It was obſerved, That the firſt words his Highneſs ſpake after he was embarqued, were, That it was a great weakneſs and folly in the *Spaniard*, after they had uſed him ſo ill, to grant him a free departure.

Expreſſions of joy for the Princes ſafe return into *England*.

The Prince arived at *Portſmouth*, *October* the Fifth, and no ſooner was he landed, but it appeared, that he was the Kingdoms darling, the peoples hearts did burn to ſee him, and unanimouſly praiſed God without any Publick Edict of Thankſgiving. Publick Societies and private Families every where abounded in all expreſſions, both of Religious and Civil rejoycing. When he entred *London*, the Bonfires which the peoples univerſal joy had kindled, ſeemed to turn the City into one flame.

Immediately after the Princes departure from the Court of *Spain*, a rumor was ſpread that the Ratification was come from *Rome*, and that it came plenary and abſolute. By which means, the Princes private Inſtructions were anticipated by the Earl of *Briſtol*; for the *Functo* pretended full Warrant to proceed, and ſummoned the Earl of *Briſtol* to attend them, and earneſtly preſſed him, That the Articles might ſpeedily be ingroſſed and ſigned. Hereupon the party in whoſe hands the Prohibition left by the Prince, lay dormant, either conceiving the Ratification to be come indeed, or apprehending that it was the Princes meaning to prevent the ſudden concluding of matters, delivered to *Briſtol* that Letter of private Inſtructions, the very day that the Prince arived at St. *Andero*. In reading it, the Earl was troubled exceedingly, and ſaid to the other, That it muſt for a time be concealed, leſt the *Spaniards* coming to the knowledge of it, ſhould give order to ſtay the Prince.

Private Inſtructions delivered to *Briſtol*, contrary to the Proxy.

It vexed *Briſtol*, that his building of ſo many years ſhould at once be pulled in ſunder. He reſolves to wave this private Order, and if the Ratification

Ratification came, to deliver the Proxies, and to support himself by his Publick Warrant under the Great Seal of *England*. Now the Prince and Duke being jealous that *Bristol* would counter-work them, left Sir *Walter Aston* joyned in Commission with him, and acquainted *Aston*, that the Princes meaning was never to Match there, without the restitution of the *Palatinate*, and the conservation of his Honor in all respects intire. 21 *Jacobi.*

A Immediately the Earl of *Bristol* sent dispatches into *England*, laboring to satisfie the King and Prince in all things touching the Marriage: And shewing, that he had exactly set down the Case, how a Woman betrothed, may before the consummation of Marriage, betake her self to a Religious life, and all the sorts of Security for the preventing of such a course; and that the King of *Spain*, his Sister, and all his Ministers do offer all security that may stand with decency and honor, for the performance of the whole agreement. And though the point of portion B were a tough and knotty peece, yet when by the original Papers and *Consulto*'s of the last King, the *Juncta* found it to be no less then Two Millions, they resolved to make it good; notwithstanding they alleadged that this sum was four times as much as ever was given in Money with any Daughter of *Spain*. Moreover he did woo the Prince by argument, That as the King his Father, so himself had thought this to be the fittest Match in all the World: And though the *Spaniards* had committed many Errors, yet he had already passed them by, and overcome C the main difficulties: That by his Journey he had satisfied himself of the *Infanta*'s person, who for her birth and portion, was no where to be matched; and for her vertue and setled affection to his Highnesses person, deserved him better then any Woman in the World: That the Match was sure, the Portion and Temporal Articles now setled, but the delay of the *Desponsorios* will grieve the Princess, and bring a cloud of distrust and jealousie upon the whole business. The personal distastes of Ministers indiscreet and passionate carriages should not hazard that D which hath been brought to the present State with so much cost, and pains, and patience; and which being well accomplished, will procure so much good to the Christian World, and contrariwise so much trouble and mischeif, if it should miscarry, and break to peeces. Now upon these Grounds and Motives he made intreaty, That with all speed a Post might be sent unto him, bringing Authority to deliver the Powers upon the arival of the Dispensation.

Bristol in a Letter gives the Prince a good account of the business.

But the Prince and *Buckingham* made haste to engage the King, and E making a plausible Narration of their own proceedings, the *Spaniards* delays, and *Bristols* miscarriages, drew him to alter the whole state of the Treaty. Hereupon the King sends an express command to *Bristol*, to deliver his thanks to the King of *Spain* for the high entertainment, personal kindness, respect, and favor, received by his Son the Prince, who was returned so well satisfied, as that he was not able to magnifie it sufficiently. And further to let him know, That to make a firm and indissoluble union between their Families, Nations, and Crowns, and withal F not to abandon his own Honor, nor at the same time to give joy to his only Son, and to give his onely Daughter her Portion in Tears, he had by the advice of that Kings Ambassadors entred into a Treaty for the Restitution of the *Palatinate*; that he always understood and expected that upon the effecting of this Marriage, he should obtain the restoring of his Son-in-law, both to his Countrey and Dignity; and that the Emperor,

King *James* falls off, and for a Condition of the Mariage, demands the Restitution of the *Palatinate*.

An. 1623.

either by finding out ſome great Title, or by increaſing the number of the Electoral Stiles, might ſatisfie the Duke of *Bavaria*. And for theſe Reaſons the King commanded *Briſtol* inſtantly to procure from that King, a punctual Anſwer touching the courſe he reſolves to take, for the reſtitution of the *Palatinate*, and Electorate, and what aſſurance ſhall be given for his contentment, if the Emperor or Duke of *Bavaria* ſhould oppoſe any part of the expected reſtitution. Moreover, he gave direction, and ſignified his ſpecial deſire, that the Eſpouſals ſhould be made in one of the *Chriſtmas* Holidays, becauſe that holy and joyful time would beſt become an action ſo notable and bleſſed. A

Briſtol and *Aſton* demur upon the new Inſtructions.

The Earl of *Briſtol*, with the Concurrence of Sir *Walter Aſton*, took boldneſs to demur upon theſe new Inſtructions; and yet again to repreſent to his Majeſty the ſtate of theſe affairs, they inform him, that by deferring the Epouſals till *Chriſtmas*, the powers were made altogether uſeleſs and invalid, there being a Clauſe in the body of them, That they ſhall remain in force till *Chriſtmas*, and no longer. And the ſuſpending of the execution of the powers, till the validity of them be expired, is an effectual revoking of them: Beſides, the pretexts of this delay are no new, but old matters, which were often under debate, but never inſiſted on to retard the main buſineſs. And it will be thought, that they ſhould rather have hindered the Grant of theſe powers, then the execution of them being granted. Surely, a ſtaggering in the former reſolutions will be ſuſpected, and the clearing thereof between *Spain* and *England* will coſt much time. As concerning the Prince *Palatine*, it was the care of the Spaniſh Miniſters, that that buſineſs might be well compounded before the *Infanta's* coming into *England*: For they ſay, that otherwiſe they might give a Daughter, and a War preſently follow. Beſides, the Inſtructions given under his Majeſties hand, were indeed to inſiſt upon the reſtoring of the Prince *Palatine*, yet not ſo to annex it to the Treaty, as thereby to hazard the Match: For he ſeemed to be confident, that the one would never grow to a concluſion, without a ſetled reſolution to effect the other: And the Prince and Duke during their being in *Spain*, obſerved the ſame courſe. Moreover the *Palatinate* affairs have relation to many great Princes intereſſed therein, and cannot be ended but by a formal Treaty, which will require a great length of time; and if the concluſion of the Match ſhould depend thereon, the Prince may be long enough unmarried, for the advancement of their intereſt who deſire he ſhould ſo continue, or not match with *Spain*. B C D

The preparations for the Marriage go on chearfully, the Popes Diſpenſation is hourly expected, with an intention to demand the powers immediately, and upon what pretext ſhall they be detained? Shall we alledge his Majeſties pleaſure, that the ſolemnity be performed in the *Chriſtmas* Holidays? But that is impoſſible, for the powers are then expired. Shall we urge the reſtoring of the *Palatine*? This was not made a condition, but was treated as a buſineſs a part. The delay of the *Deſponſario's* will put a ſcorn upon the *Infanta*, and upon the King of *Spain*, who hath called himſelf the *Infanta's Deſponſado*. And this cannot ſtand with that exact and honorable dealing which his Majeſty hath hitherto uſed. Now upon theſe Inducements, in the reſult and cloſe of all, the Ambaſſador humbly adviſed the King to return to the former ſtate of the Treaty, and to nominate a day for the delivery of the Proxies, and reſolved ſomewhat to protract the time for the receiving of his Majeſties further direction. E F

Thus

21 *Jacobi.*

Thus did the Earl of *Briſtol* endeavor to reſtore the buſineſs; and the better to bring it on, Sir *Walter Aſton* labored to reconcile the Duke to *Spain* by this manner of Inſinuation: He believed that his Grace was infinitely provoked to be an enemy to this Match, and might have many Reaſons ſuggeſted, how much it concerned him to break it with all the force he hath; yet he could not believe that the Error of one Man, can make him an enemy to that which carries in it ſo much content to the A King and Prince, nor that his judgment can be led by theſe Arguments, which under colour of ſafety, would bring him into a dangerous labyrinth. For the moſt proſperous War hath misfortune enough to make the Author of it unhappy; and how innocent ſoever his Grace might be, yet the occaſions which have been given him, will make him liable to ſuch an aſperſion. But if the Match proceed, and take effect, he will have the honor thereof, and the *Infanta* being duly informed, muſt needs acknowledge him to be the perſon unto whom, in that behalf, ſhe is moſt B obliged.

Sir *Walter Aſton* endeavors to reconcile the Duke to *Spain*.

But theſe Motions incenſed *Buckingham*: And now having the Prince linked to him, he could over-rule the King, and bear down all his Adverſaries. The Prince and the Duke began to take a popular way, and to cloſe with thoſe of the Privy Council and the Nobility that were oppoſite to *Spain*, and beſt liked of by the Puritan party: They projected alſo the calling of a Parliament to conſult the Nation, and to clear the Kings integrity, and to gain to themſelves a great eſteem in the hearts C of the people.

And ſome there were that ſuggeſted to the King, that the Dukes deſign was to prevent the Princes Marriage, not onely with *Spain*, but any where elſe, that his own greatneſs might ſtill be abſolute. For, ſay they, were it love to his Countrey that led him to a breach and War with *Spain*, there was as much reaſon for a breach of the Match and Peace, when the Parliament urged it, as now there is. And they ſaid, That the approaching Parliament was to marry the Duke to the Commonwealth, that he D might ſtand not onely by the King, but by the people and popular humor, which of late he hath courted earneſtly; and ſo they warned the King to have more ſpecial care of his own preſervation.

Advice to the King touching the Duke.

But the Earl of *Briſtol* was ſtraightly commanded to follow the new Inſtructions; namely, before he deliver the Powers, or move to the Contract, to procure from the King of *Spain*, either by Publick Act, or by Anſwer, under his Hand and Seal, a direct Engagement for the Reſtitution of the *Palatinate*, and the Electoral Dignity; by Mediation, or by E the aſſiſtance of Arms, if Mediation fail, together with a limitation of the time, when the way of Mediation ſhall determine, and the aſſiſtance of Arms begin. And the King declared, That he had reaſon infinitely to think it requiſite to deal plainly and clearly with his Brother of *Spain*, becauſe the *Berkſtrot* in the *Palatinate*, the prime flower of his Son-in-laws Revenue, was taken by the Arms of *Spain*, and put into the poſſeſſion of a Spaniſh Gariſon, or under their command; and the Countrey or Revenue thereof, was contrary to the Contract with the *Infanta* at *Bruxels*; F and upon an old pretence, freſhly delivered into the hands of the Biſhop of *Mentz*, being none of thoſe to whom Intereſt or Mediation had been formerly uſed, or thought of; who were onely the Emperor, the King of *Spain*, and the Duke of *Bavaria*.

The Earl of *Briſtol* is commanded by the King to follow the new Inſtructions.

And concerning the Marriage Portion, he abſolutely rejected both Jewels and yearly Revenue, as contrary to the firſt Agreement, and ex-

An. 1623.

pected the Total ſum in *ſpecie*, at reaſonable times of payment. As touching the Eſpouſals, he commanded the Suſpenſion of the Powers left, and ſent the Powers renewed by the Prince, for a larger time, that no blame might light on him, or his Son, in caſe that King could not give ſatisfaction in ſo ſhort a time, as that where in the former powers would become invalid. In the mean while he ſaid he was ready to propound good ways to ſatisfie the Duke of *Bavaria* in point of Title and Honor, and to continue the Negotiation for Matching the *Palatines* Eldeſt Son with the Emperors Daughter. A

The Earl of *Briſtol* had a difficult part to act in *Spain*, and in *England* the Duke ſet all his ſtrength to cruſh him. The Surrender of the *Palatinate* to the Kings contentment was not probable, after it was ranſacked and alienated, and as a common Booty ſhared in parcels to ſeveral Princes.

King *James* puts the *Palatine* in hope, by Propoſal of new terms.

Nevertheleſs as yet the King hoped by Treaty to compoſe the whole buſineſs, and to ſatisfie the ſeveral Intereſts. And having by his continued patience and induſtry reduced Matters to a Circle of leſſer extent then the former generalities, tendered to the *Palatine* theſe terms of hope. In the firſt place, That he make a due ſubmiſſion to the Emperor under convenient Limitations, which ſhall firſt be granted in Conformity to that which is Noble, with Aſſurance requiſite for the free and ſafe going and return of his Perſon and Train. And that this being done, a Preſent and full Reſtitution of all the *Palatinate* ſhall be made to the perſon of his Son, and that he himſelf ſhall be his Adminiſtrator during life; and that after the death of the Duke of *Bavaria*, his Son ſhall be eſtabliſhed in the Electoral Dignity. Moreover, if the Marriage between his eldeſt Son, and one of the Emperors Daughters ſhould take effect, it would enſure the enjoyment of all according to the preſent Contract, and make way for the bettering of the Conditions to his own perſon. In Contemplation of which Mariage, the other party have approached a degree nearer, to wit, That the Electorate ſhall return to his own perſon after the death of the Duke of *Bavaria*. And as touching the many difficulties in the Treaty of this Mariage, to wit, The Education of his Son, he had deviſed a way for the ſatisfaction of parties, which was, That he ſhould be brought up, neither at the *Hague*, nor in the Emperors Court, but with his own Son, the Prince of *Wales*, and in the preſence of the *Infanta* of *Spain*, after her arival in *England*. Upon theſe Overtures the King adviſeth his Son-in-law to have recourſe to his own Wiſdom, and after mature deliberation, to make a choice agreeable to the honor and ſafety of his eſtates. And he delivered his own opinion, That a ready entrance into the poſſeſſion of his own eſtate, with a kinde of preſent liberty, and an aſſurance in time to recover more, was to be choſen rather then his preſent bare condition and hazardous expectation upon other uncertain means. B C D E

Upon the tender of theſe Propoſals, Letters of Conſultation were ſent to the King from his Son-in-law, and from Sir *Dudley Carlton* to the Duke of *Buckingham*; who, for the greatneſs of his power, was to be courted and made a friend in all tranſactions. F

The *Palatines* Anſwer to thoſe Terms propoſed by the King.

To the ſubmiſſion in the firſt place required, reply was made, That in natural order, the Reſtitution which was material and ſubſtantial, ought to precede the ſame, which was but a point of Ceremony, or at leaſt, it is neceſſary that all things be reſolved, and ſetled in ſuch aſſurances as ſhall be held convenient, otherwiſe a ſubmiſſion might be yielded,

21 *Jacobi.*

yielded, and the Reſtitution never follow. Beſides, if the Emperors intentions be ſincere, and real, and without any aims to take advantage upon the *Palſgraves* perſon (as the Emperor, *Charls* the Fifth, did upon the *Landgrave* of *Heſſen*, under the ſubtile diſtinction of a ſyllable in the ſafe conduct) the Submiſſion might as well be made by a Deputy; by which means he might be freed from thoſe apprehenſions, which the Executions at *Prague*, and other cruelties uſed by the Imperialiſts, might impreſs in his minde. Moreover, a Submiſſion under the ſpecified Condition of yielding the Electorate to the Duke of *Bavaria*, will prejudice his cauſe for ever: For the Electors of *Saxony* and *Brandenburgh*, who have always proteſted againſt the Tranſlation, and the other Princes of *Germany* who have like-feeling, will diſavow their own Proteſtations in regard of him who ſhall abandon his own pretenſions; and inſtead of favoring him, may be made his enemies. The experience of things may ſhew what iſſue is like to follow a conſent to the like Conditions; for the Emperor had manifeſtly abuſed him in two Overtures already.

First, The Inſtrument ſigned for the Conditional Reſignation of the Crown of *Bohemia*, in the year One thouſand ſix hundred twenty and one, ſerued the Emperor to accelerate the Treaty then on foot with *Bethlem Gaber*. Secondly, The Ratification of the Suſpenſion of Arms the laſt Summer, ſerved to intimidate the Electors of *Brandenburgh* and *Saxony*, that they may not undertake any thing againſt the Emperor. For both the one, and the other, were for theſe very ends divulged by the Emperor before any thing was therein concluded: And ſo will the Emperor make his advantage of the preſent Propoſition, both to hinder the Progreſs of *Gaber*, and to continue the intimidation of the Princes of *Germany*. Furthermore, in this Submiſſion it were neceſſary to take care that his undue Proſcription and Baniſhment, being to the prejudice of the Conſtitutions of the Empire, and held by the Electors of *Saxony* and *Brandenburgh* of no validity, may not be approved, and a mark of Infamy ſet upon the *Palatine* and his poſterity. And laſtly, ſhame and diſgrace will be the end of this Submiſſion, there being aſſurance of no better dealing then was uſed to the depoſed Houſe of *Saxony* by *Charls* the Fifth, an Emperor not worſe then this; the heir of which Houſe, being one of the worthieſt Princes in *Germany*, is now in hard conditions before the eyes of the exiled *Palatine*.

Unto the ſecond point, the excluſion of the *Palſgraves* perſon, and the ſetling upon his Son, it was thus replied, That *Spain* had always given hope, and the Earl of *Briſtol* great aſſurance, even when the Marriage was not ſo far advanced as now it is: That in caſe of the Emperors refuſal, they would aſſiſt his Majeſty, and compel the Emperor to an intire Reſtitution. Beſides, there is little ground of hope from theſe Treaties as they are managed, and wire-drawn by the Houſe of *Auſtria*, from whom we have ever new Overtures in Winter, and new Ruptures in Summer: For the Emperor wanteth but two or three years leiſure, which he will eaſily gain by a Treaty of Marriage, to eſtabliſh in *Germany* the Tranſlation of the Electorate and *Palatinate* without any hope of Recovery: Therefore ſufficient Aſſurances ſhould ever precede the Treaties: For the preſent Seaſon did offer a very fair opportunity of recovering the Eſtate and Dignity.

The *Palatines* pretentions were not prejudiced by a long interpoſition of time, the memory of the undue proceedings in the Ban, and the Tranſlation, and the ſeiſure of his Inheritance are freſh in the mindes of the Princes,

An. 1623. Princes, who by their own Intereſts are moved to a greater compaſſion. As for the hope of Reſtitution from the Match with *Spain*, there is little reaſon to put a difference between the *Spaniards* and the Imperialiſts, who have with joynt conſent conſpired the ruine of the *Palatinate*, with the ſame Forces, Counſels, and Deſigns: And whileſt things have been ſome times upon terms, and always in talk of an Accommodation, the Electorate is given to the Duke of *Bavaria*, and avowed by a Congratulatory Meſſage from the Arch-Dutcheſs; the Upper *Palatinate* is ſetled in the *Bavarians* poſſeſſion, and a Portion allowed the Duke of *Newburgh* for his contentment. A principal part of the Lower *Palatinate* is given to the Elector of *Mentz*, by the conſent of thoſe at *Bruxels*, and the reſt is promiſed to be parcelled among other Princes. A

Now for the hopes of a ſurer way to regain an happy ſettlement, by the Concurrence of the King, his Allies and Confederates, and the whole Proteſtant party in *Europe*; let theſe Matters be weighed in the Ballance of Common Judgment. The Electors of *Saxony* and *Brandenburgh*, and all the Princes ſave thoſe of the Catholick League, have declared, That the Peace of *Germany* depends upon the reſtoring of the *Palatine*: Beſides, the Levies which they made in the beginning of the laſt Summer, though by the unfortunate accident of Duke *Chriſtian* of *Brunſwick*, they were ſoon diſmiſſed, do teſtifie the ſame affections ſtill remaining in them, and the ſame Reſolutions to embrace any good occaſion for recovering the liberty of *Germany*. The number of thoſe that have this conjoyned Intereſt, is great and mighty, yea, the greater part of the people, both Horſe and Foot, which marched under the Catholick Banner, were of a contrary Religion and Affection, and more inclined to the ruine, then preſervation of the Catholick League. All that is wanting is the concurrence and conduct of ſome great Prince that may ſupport them againſt the Houſe of *Auſtria*: The King of *Denmark* being a Prince full of circumſpection, and being unwilling to enter into play alone, made anſwer to all inſtances, That as other Princes have their eyes on him, ſo he hath his eyes on the King of Great *Britain*. Wherefore, although for theſe two or three years paſt Affairs on this ſide have gone in a continual decadence, and a final ruine be now threatned, unleſs it be withſtood by ſome Princely reſolution, not of petty but of great Princes; yet there is no ſuch deſpondency in the good party, but ſufficient vigor yet remaining not onely to ſubſiſt, but to riſe, and flouriſh again. And one of thoſe Kingdoms which are in his Majeſties poſſeſſion having wrought great effects in the affairs of *Europe*, even when counter-ballanced by the other two, doth demonſtrate what may be done by the joynt forces of all three together, eſpecially when the peoples affections are raiſed to the enterpriſe. Thus did the *Palſgraves* Counſels diſſent from our Kings Propoſals. B C D E

And there were not wanting, both of the Kings Counſel at home, and of his Agents in Foreign parts, ſuch as frequently warned him of the diſappointment and diſhonor that would follow thoſe ways of Treating with implacable, though flattering Enemies; and ſhewed him the ſure and honorable way of reeſtabliſhing his Children in their Patrimony; not by their Enemies curteſie, but by the united ſtrength of the Proteſtant Arms in all parts of Chriſtendom, of which party, the King might have made himſelf the Head and great Commander. F

The *Netherlands* appear ready to embrace the antient Union with *England*.

In the languiſhing, and almoſt expiring Condition of the Spaniſh Treaty, the United Provinces in the *Netherlands*, appeared ready to embrace the opportunity of renewing the antient Union with *England*, in

all

Jacobi 21.

all mutual confidence, and ſtrong aſſurance. And the King was moved to return to thoſe old Confederates, the ſureſt ſupports of his Crowns and Family: For it hapned that in latter times, a diſtruſt and ſtrangeneſs had grown betwixt them. *Bernevelt* and the *Arminian* Faction had drawn the States to new Alliances, and commonly procured Anſwers to be given to King *James*, and his Miniſters, in a harſh and peremptory ſtile. In like manner the King did not care to own them fully, eſteeming them
A an evil example for a Monarch to cheriſh. Nevertheleſs, he did them many good turns worthy of acknowledgment, and particularly in oppoſing the Faction of *Arminius* and *Vorſtius*, and the reſt of that ſort, who cauſed great diſtractions in the Belgick Church and State: Nay, he was thought to have done more then requiſite, in rendring the Cautionary Towns, and in conniving with too much patience at the inſolencies and miſdemeanors of their Mariners. But the Prince of *Orange* expreſſed good will to an intire friendſhip with *England*, and aſſured the Engliſh
B Reſident at the *Hague*, That whenſoever the King would be to thoſe Provinces, as Queen *Elizabeth* was in her time, they would be the ſame to him, as they had been to Queen *Elizabeth*: But as yet they keep themſelves reſerved, becauſe they ſuſpect that the Introductions, and Tentatives to a Union with them, have been to no other end, but to indear the Engliſh Merchandize, and to inhaunce its price to the King of *Spain*: For they conclude, that *Spain* will never Match with *England*, but for hope, or fear; hope of reducing thoſe Provinces by the Match, or
C fear, if the Match proceed not, that the King will joyn with the Provinces in oppoſition to *Spain*; and in either of theſe caſes they hold the Match as made: As for themſelves, they repreſent this aſſurance of a firm Conjunction; for that inſtead of giving an ear to Overtures and Conceſſions, which from day to day were preſented to them, they have put themſelves to the Offenſive, by preparing a ſtrong Fleet, which is ready to ſet ſail to the *Weſt-Indies*, to the end they may at leaſt interrupt the peaceable Annual return of the Gold and Silver of thoſe parts,
D by which the Houſe of *Auſtria* do continually advance their greatneſs. And this preparation, together with their Voyages into the *Eaſt-Indies*, will make them irreconcileable to *Spain*.

Theſe enterpriſes were commended to the King, as approved by all good men, to be a principal means to caſt down the fearful power of *Spain*: Onely it was too vaſte a deſign for that little Countrey; but if the King were pleaſed thoroughly to cloſe with them, their Affections and conſtant intereſt would ſo binde them to him, that he might abſo-
E lutely diſpoſe of them, and by their forces by Sea and Land, conjoyned with his own, be able to give the Law to *Europe*. And the preſent ſtate of the Provinces might incite the King to this Conjunction. For the laſt Summer, if the Imperialiſts had joyned with the *Spaniards*, they had undoubtedly made an irruption into the borders of that State; and they are like to break in this next year, except ſome notable Turn ſhall intervene; and then our beſt Link for a Bond of Friendſhip is broken, and thoſe Provinces of a ſtrong Staff will become a broken Reed. Such
F Repreſentations were made to the Court of *England*; but the Counſels then prevailing were not propenſe to this Conjunction, and Intereſt, although we were then breaking with *Spain*, and the Houſe of *Auſtria*.

The Ratification come from the new Pope; and when all is ready for the Eſpouſals, then is the Match daſht by order from *England*.

About the beginning of *December*, when the Ratification came from the new Pope, Bonfires were made throughout all *Spain*, and the great Ordnance thundred out reports of joy: And that King to ſatisfie his

Oath

An. 1623. Oath made to the Prince of *Wales,* prepared for the Espousals, and a day was prefixed, and all things appointed for the Solemnity, according to the Magnificence of that Court. The *Infanta*'s Family was setled, her Officers distinguished, and the beginning of *March* was the time for her journey into *England*. From the Princes departure, she had applied herself to the learning of the English Tongue. The English Ambassadors carried themselves like Subjects towards her, as being their Masters Wife, or Spouse. Many rich presents had she prepared for her future Lord and Husband. And the Earl of *Bristol* had provided many costly Liveries for his Attendants in the Solemnity of the Espousals. But all things were instantly discomposed by the opening of the new commands from *England* to the Earl, which were to procure an intire surrender of the *Palatinate* and Electorate, before he move one step further towards the Contract. A

In the Court of *Spain* there was great resentment of these new delays, and they discerned a breach towards: The *Infanta* gave over the study of English, and was no more stiled the Princess of *England*; but to the Demands from *England*, the King of *Spain* replied, That if a Treaty be set on foot, and the Emperor, and Duke of *Bavaria*, will not come to Terms of Conformity, he will joyn Arms with *England*, to recover the *Palatinate*: The *Spaniards* confessing the Demand just, but unseasonable, professed, the *Desponsorio*'s past, the *Infanta* on her knees should have been a Suiter to the King to restore the *Palatinate*, making it thereby her act, and drawing the Obligation wholly to her. These offers did not satisfie, *Bristol* was called home, and all was dashed to peeces. B C

It was an amazement to the Christian World, that when the Match was brought to such perfection, the motion should be rejected by that side which pursued it with so much eagerness, and patience, as being the master-peece of all their designs.

In the latter part of this long tedious act, the *Spaniard* appeared real, but in the former part their reality was questionable: For our parts, the business shall remain as we finde it, a dark *Riddle* and *Mystery*. D

Bristol sends his Apology to K. *James* for having demurred upon the new Instructions.

The Earl of *Bristol* having demurred upon the new Instructions, to prevent (as he desired) the embroiling of the whole Treaty, was to make his Apology to the King his Master, and for himself he thus pleaded, That he understood the *Infanta* was his yong Masters wife, or Spouse at least, and that both the King and Prince infinitely desired the Match. The powers were drawn by the intervention of both parties, the King of *Spain* accepting them, and the Prince legally delivering them, and they were deposited with him in trust, as the Ambassador of the King of Great *Britain*, with a Publick Declaration, how and when he was to deliver them; and this was drawn into an Instrument by the Secretary of State: According to this state of things, he appeals to any Censure which were the more prudent, honest, and dutiful way; whether to put a disgrace upon so great and worthy a Princess, who was to be his Masters Wife, and a scorn upon the King of *Spain*, by nominating a day for the Marriage, when the powers would be expired, and not at all to insist upon making good the Publick Trust reposed in him by two so great Monarchs, to the hazard and overthrow of so great and important a business; or contrariwise to represent to his Majesty the state of things in Truth and Sincerity, with his humble opinion of the wrong and disgrace to the *Infanta*, by deferring the Marriage, and of the indignity offered to the E F

King

King of *Spain*, and the danger of the whole Treaty, by the detention of the Powers without the pretence of ſome emergent cauſe: And after all this, when his Majeſty had declared his pleaſure, there was ready an exact obedience. Wherefore in the confidence of his own innocencie, he profeſſeth as great a confidence of his Majeſties accuſtomed grace and favor. *Facobi* 21.

Briſtol being called home, acquainted the *Conde Olivares* with the Letters of Revocation, and deſired withall to have a day aſſigned him to take his leave of the King. *Olivares* anſwered, That he had much to ſay to him by his Majeſties order; and ſpake to this effect in the preſence of Sir *Walter Aſton*, and the *Conde Gondomar*: That the King had received large advertiſements with what malice and rancor his Enemies did proſecute him, and how powerful they are in *England*; And in regard that the Envy which was drawn upon him proceeded from his earneſt endeavors to accompliſh the Match, and that the particular fault laid to his charge was in point of delivering the Proxies depoſited in his hands, that his Majeſty takes it to heart, and judgeth himſelf touched in his honor, if for this cauſe his Enemies ſhall prevail ſo far as to work his ruine or diſgrace; And therefore he will write to the King of *Great Britain*, and ſend a particular Ambaſſador, if it be needful, to mediate for him; for that he had ſerved his Maſter with that exactneſs and fidelity, which deſerved not only to be aſſiſted by all good offices, but to be rewarded and publiſhed: And his Majeſty, for the example of his own Subjects, and for the encouragement of all ſuch as ſhould ſerve their Princes with the like loyalty, had ſent him a Blank ſigned by himſelf, wherein he might ſet down his own Conditions both in point of Title and Fortune. And this he did in no wiſe to oblige another Princes Subject, but only to give encouragement to honeſt and faithful proceedings: And therefore he would not make theſe offers in private, but open and juſtifiable to all the world; and would accompany all that he ſhould do with a Declaration or Patent, That what he had done for the Earl of *Briſtol*, was for the fidelity wherewith he had ſerved his own Maſter.

Olivares offers *Briſtol* large Preferments in the Kings name, when he was to take his leave.

Hereunto the Earl made anſwer, That he was ſorry and much afflicted to hear ſuch language; And deſired that they ſhould underſtand, that neither this King nor *Spain* were beholding to him; For whatſoever he had done, he thought the ſame to be fitteſt for his Maſters ſervice and his own honor, having no relation to *Spain*; and that he ſerved a Maſter, from whom he was aſſured both of juſtice and due reward; And nothing doubted but his own Innocencie would prevail againſt the wrong intended by his powerful Adverſaries: And were he ſure to run into imminent danger, he had rather go home and caſt himſelf at his Maſters feet and mercy, and therein comply with the duty and honor of a faithful Subject, though it ſhould coſt him his head, then be Duke or Infantado of *Spain*: And that with this reſolution he would imploy the utmoſt of his power to maintain the Amity between the two Kings and their Crowns, and to ſerve his Catholick Majeſty.

Briſtols Anſwer to thoſe Profers.

After he had taken his leave and was ready to come away, he had another Profer made unto him in private of Ten thouſand Crowns to take with him in his purſe, to make his way and go through with his troubles, if haply his own monies might be ſeiſed upon: And it was told him, no body ſhould know it. Yes, ſaid he, one would know it, who he was aſſured would reveal it to his Majeſty, *viz.* the Earl of *Briſtol* himſelf, and it would make him not ſo clear in his own heart as now he was; and ſo he refuſed the offer.

An. 1623.

The *Spaniards* prepare for a War with *England.*

The Match was now truly broken, but as yet the breach was not declared, nor the Treaty quite fallen to the ground, but continued after a languiſhing manner in the hands of Sir *Walter Aſton.* The *Spaniards* by all Advertiſements from *England* were adviſed to expect a War, and accordingly they went ſeriouſly to work, and prepared themſelves for what might happen; And *Aſton* being there upon the place, conceived it high time that King *James* ſhould reſolve upon ſome courſe to allay the ſtorm ariſing, or to go hand in hand with them in equal preparations. All that was left alive of the Marriage-buſineſs, was no more, then that thoſe Jewels which the Prince had left at his Farewel were not yet returned: But if the Letter then expected from *England* brought no better Anſwer to their laſt Offer concerning the *Palatinate*, then ſuch as they had hitherto received, they will return the Jewels, and declare the Marriage broken. For by this time they had received intelligence of the Princes treating a Marriage with a Daughter of *France*, the Lady *Henrietta Maria.* And ſo it was, that King *James* had lately ſent the Lord *Kenſington*, afterwards Earl of *Holland*, to enquire covertly whether the Match were feaſible, before he would enter into a Publick Treaty. A B

The L. *Kenſington* ſent Ambaſſador into *France* to feel the pulſe of that Court touching a Match, renders an account of his acceptance.

The Lord *Kenſington* returned this Accompt of his Negotiation: That there appeared in the face of that Court an extraordinary ſweetneſs, ſmoothneſs and clearneſs towards an Alliance with *England*; The Princeſs herſelf was obſerved ſeldom to have put on a more cheerful countenance, then ſhe had done the firſt night of his appearance in that Court; The Queen, though a Daughter of *Spain*, wiſhed this Match more then that intended with her own Siſter; And the Queen-mother who will have the chief ſtroke in the buſineſs, expreſſed her good will and favor, as much as might ſtand with her Daughters honor. For the *French* obſerve the aſpiring of the King of *Spain* to the Monarchy of Chriſtendom, and his approaches to the Kingdom of *France*, and his encompaſſing it on all ſides; And they diſcern that an Alliance with *England* is the ſureſt way to oppoſe the mightineſs of that King: And upon the ſame accompt they promiſed brave aſſiſtance to the United Provinces, gave great encouragement to Count *Mansfield* and Duke *Chriſtian* of *Brunſwick*; A Gentleman of the Religion was ſent to *Liege* to offer them the Kings protection, if that Town will ſeek it. Nevertheleſs they have not directly embraced this Overture of Marriage, becauſe we have not as yet wholly abandoned the Treaty with *Spain*; leſt they ſhould loſe the Friendſhip of a Brother-in-law, to gain another which may poſſibly fail them. But they ſay that their hearts are not capable of more content, then to ſee this Motion upon a Publick Commiſſion, and all that may touch upon the way of *Spain* diſſolved. Neither are they like to ſtrain us to unreaſonable Conditions in favor of the Roman Catholicks in his Majeſties Dominions: For in that matter their Pulſe beats ſo temperately, as to promiſe a good *Criſis* therein: And in caſe his Majeſty be drawn to baniſh the Prieſts and Jeſuites, and to quicken the Laws againſt other Catholicks, to keep a good Intelligence with his Parliament, yet they ſay, they hope he will not tie his hands from ſome moderate favor to flow hereafter from the mediation of that State, which is all they pretend unto for the ſaving of their honor, who otherwiſe would hardly be reputed Catholicks. C D E F

Thus the Lord *Kenſington* having rendred an accompt of his diligence, adviſed to go on roundly with the Match, leſt otherwiſe, though never ſo well affected, they be altered with the Arts of *Spain*: For (ſaith he) un-

Jacobi 21.

undoubtedly the King of *Spain* will reſolve, if poſſible, to oblige one ſide; And as the *French* do think he may pleaſe *England* with the reſtitution of the *Palatinate*, ſo we may think he will pleaſe the *French* with rendring of the *Valteline*. But without the aſſiſtance of Parliament, and compliance with the people, the King could not go through with thoſe weighty works which he was now to take in hand. Now the things which troubled the People, were ſet forth to the King in three particulars: As, *That for the Subſidies granted in the two laſt Parliaments, they received no retributions by Bils of Grace: That ſome of their Burgeſſes were proceeded againſt after the Parliament was diſſolved: And that when they have ſatisfied the Kings demands, he will nevertheleſs proceed to the concluſion of the Spaniſh Match.* Hereupon ſome of his neareſt Council perſwaded him to begin the work by removing the peoples Jealouſies; and to *caſt away ſome crums of his Crown amongſt them, and thoſe crums would work miracles and ſatisfie many thouſands.* And whereas the aim of the former Treaties was the ſetling of an univerſal peace in Chriſtendom, and ſince the malice of deceitful men hath croſt thoſe fair ways, abuſing his Majeſties truſt & goodneſs, he muſt caſt about and ſail by another point of the Compaſs, whereby he might ſecurely and eaſily attain to his noble and pious ends. The means whereunto were theſe: Firſt, that his Enemies know the *Lyon* hath teeth & claws; Next, that he imbrace and invite a ſtrict aſſociation and friendſhip with thoſe, whom neighborhood, alliance, and common Intereſt of State and Religion had joined to him. *Feb.* 19. the Parliament began at *Weſtminſter*: The King being ſet in the Throne, ſpake thus.

The King adviſed to call a Parliament.

The Kings Speech to the Parliament.

"I Have aſſembled you at this time, to impart to you a ſecret and matter "of great importance as can [illegible] to my State, and the State of my Chil- "dren; wherein I crave your beſt and ſafeſt advice and counſel, according "as the Writ whereby you were aſſembled imports, *That the King would "adviſe with you in matters concerning his Eſtate and Dignity.* And as I have "ever endeavored by this & the like ways to procure and cheriſh the love "of my people towards me, ſo do I hope, and my hope is exceeded by faith; "for I fully now believe, that never any King was more beloved of his peo- "ple: whom as you my Lords and Gentlemen do here repreſent, ſo would "I have you truly to repreſent their loves all to me; that in you as in a true "Mirror or glaſs I may perfectly behold it, and not as in a Falſe glaſs that "repreſents it not at all, or otherwiſe then it is indeed. Give me your free "and faithful counſels in the matter I propoſe, of which you have often "heard, the *Match of my Son:* wherein, as you may know, I have ſpent much "time, with great coſt, in long Treaties, deſiring always therein (and not "without reaſon hoping to have effected my deſires) the advancement of "my State and Children, and the general Peace of Chriſtendom, wherein I "have always conſtantly labored, depending upon fair hopes and promiſes. "At the earneſt inſtance of my Son, I was contented (although it was of "an extraordinary nature) to ſend him to proſecute his deſires in *Spain*, and "for his more ſafety ſent *Buckingham* (in whom I ever repoſed moſt truſt of "my perſon) with him, with this command, *continually to be preſent with him, "and never to leave him till he returned again ſafely unto me.* Which he per- "form'd, though not with that effect in the buſines that I expected, yet not "altogether without profit; For it taught me this point of wiſdom, *Qui "verſatur in generalibus*, is eaſily deceived, and that Generality brings no- "thing to good iſſue; but that before any matter can be fully finiſhed, it "muſt be brought to particulars: For when as I thought the affair had been "before their going, produced to a narrow point, relying upon their gene- "ral propoſitions, I found when they came there the matter proved to be

An. 1623.

"so raw, as if it had never been treated of; the generals giving them "easie way to evade, and affording them means to avoid the effecting "of any thing.

"The particulars that passed in the Treaty, I mean not now to discover to you, the time being too short; I refer you to *Charls* & *Buckingham*, "and the Secretaries Reports, who shall relate unto you all the particulars. "And after that, *super totam materiam*, I desire your best assistance to advise me what is best and fittest for me to do for the good of the Com- A "monwealth, and the advancement of Religion, and the good of my Son "and my Grandchildren of the *Palatine*. And of our estate I know you "cannot but be sensible, considering that your welfare consists in ours, "and you shall be sure to have your share in what misery shall befall us: "And therefore I need to urge no other Argument to you in this behalf, "in offering me your wisest and surest Counsel and Furtherance. And "I assure you in the faith of a Christian King, that it is *res integra* pre- "sented unto you, and that I stand not bound nor either way engaged, but B "remain free to follow what shall be best advised.

"To plant is not sufficient, unless like good Gardiners you pluck up "the weeds that will choak your labors: And the greatest weeds among "you, are Jealousies; root them out. For my Actions, I dare avow them "before God; but Jealousies are of a strange depth. I am the Husband, "and you the Wife, and it is subject to the Wife to be jealous of her Hus- "band: Let this be far from you! I can truly say, and will avouch it "before the seat of God and Angels, that never King governed with a C "purer, sincerer, and more uncorr[illegible] heart then I have done, far "from all will and meaning of the least error or imperfection in my "Reign.

"It hath been talked of my remisness in maintenance of Religion, "and suspition of a Toleration: But as God shall judge me, I never "thought nor meant, nor ever in word expressed any thing that savored "of it. It is true, that at times, for reasons best known to my self, I did not "so fully put those Laws in execution, but did wink and connive at some D "things which might have hundred more weighty affairs; But I never "in all my Treaties ever agreed to any thing to the [illegible]verthrow and dis- "agreeing of those Laws, but had in all a chief preservation of that Truth "which I have ever professed: And as in that respect I have a charitable "conceit of you, I would have you have the like of me also. In which "I did not transgress: For it is a good Horse-mans part, not always to "use his spurs and keep strait the rein, but sometimes to use the spurs and "suffer the reins more remiss; so it is the part of a wise King, and my E "age and experience in Government hath informed me sometimes to "quicken the Laws with strait executions, and at other times upon just "occasion to be more remiss. And I would also remove from your "thoughts all jealousies, that I might, or ever did question or infringe "any of your lawful Liberties or Priviledges; but I protest before God, I "ever intended you should enjoy the fulness of all those that former "Times give good warrant and testimony of; which, if need be, I will en- "large and amplifie. F

"Therefore I would have you, as I have in this place heretofore told "you, as S. *Paul* did *Timothy*, avoid Genealogies and curious Questions, "and nice Querks and Jerks of Law, and idle Innovations; And if you "minister me no just occasion, I never yet was, nor never shall be curious or "captious to quarrel with you: But I desire you to avoid all doubts and "hinder-

Jacobi 21.

"hinderances, and to compose your selves speedily and quietly to this "weighty affair I have proposed; for that I have found already, delayes "have proved dangerous, and have bred distraction of this business; and "I would not have you by other occasions to neglect or protract it. "*God is my Judge*, I speak it as a Christian King, Never any waifaring "man that was in the Desarts of *Arabia*, and in danger of death for want "of water to quench his thirst, more desired water, then I thirst and desire A "the good and comfortable success of this Parliament, and blessing upon "your Counsels, that the good issue of this may expiate and acquit the "fruitless issue of the former. And I pray God your Counsels may ad- "vance Religion and the Publick weal, and the good of me and my "Children.

Feb. 21. The Commons presented Sir *Thomas Crew* for their Speaker, who prayed an Excuse; which being denied, he made this Speech. B

The King approves Sir *Tho. Crew* for Speaker, who made this Speech.

"SInce I cannot bring an Olive-branch in my mouth, as a sign of my "peace, and that God (in whose hands are the hearts of Kings) with- "out whose providence a sparrow doth not fall to the ground, "whom no man can resist, hath inclined your Majesty to cast your eye "of grace on me, and to confirm me in this place; I am taught in the "best School, that *Obedience is better then Sacrifice*; And will only say "with a learned Father, *Da Domine quod jubes, & jube quod vis.* Other- C "wise I have great cause to be afraid of such a Charge, to be executed "before so great a Majesty, and in so great an Assembly, but that I hope "your Majesty will extend your Scepter of grace, as *Ahashuerus* did, to "sustain me in my fainting.

"Your Majesty is *Princeps Hæreditarius*, descended from both the "Roses, and hath united both the Kingdoms: At your first entrance you "wrought a wonder in the Tumult of our Cares, and Cloud of our Fears "happening upon the death of the late Queen, by the bright beams of D "your Sunshine; which a Poet elegantly expressed, *Mira res, sol occubuit, "nox nulla secuta est.* There was a *David* in *Hebron*, and no *Ishbosheth* to "disturb your peaceable entrance, but the Acclamations of all your Sub- "jects and Commons concurring to express their great contentment. "This was no sudden flash of joy, but a constant blessing by the continu- "ance of the Gospel and true Religion, maugre the malice and hellish in- "vention of those who would have blown up all at once, but God laughed "them to scorn, and they fell into their own trap. These things I leave E "to your Majesties Royal remembrance as a duty to be practised, and to "be expressed by our thankfulness to our holy God, for it is a good "thing to be thankfull: *Non est dignus dandis, qui non agit gratias "pro datis.*

"Since my designment to this place, I called to mind these Statutes "of late times, and find two of especial note: The first of 32 *H.* 8. which "was called *Parlamentum doctum*, for the many good Laws made for the "setling of Possessions: The other 39 *Eliz.* which by a reverend Divine F "was called *Parlamentum pium*, because the Subjects thereby were en- "abled to found Hospitals without Licence of *Mortmain*, or *Ad quod "dammum*; And other charitable Laws which I omit, being not perpetual. "And I likewise called to mind many glorious offers made by your Ma- "jesty, and other good Provisions at the two last Meetings. Now your "Majesty hath stretch'd forth your Scepter to call us to you again, and

hath

An. 1623.

"hath made a Declaration, that all jealouſies and diſtractions might be re-
"moved, and the memory of Parliament-Nullities might be buried. And
"my deſire is, that your Majeſties influence may diſtill upon us, and you
"proceed in ſuch a ſweet harmony and conjunction, that *Righteouſneſs and*
"*Peace may kiſs each other*, and that *Mercy and Truth may meet*; and the
"World may ſay, *Ecce quàm bonum & quàm jucundum Regem & Populum*
"*convenire in unum!*

"And for perfecting of this work, the good Bills againſt Monopo- A
"lies, Informers and Concealers may now paſs, and receive ſtrength with
"a general, liberal, and Royal Pardon, according to the bounty of the
"late Queen: That ſo this Parliament may be called *Felix, Doctum, &*
"*Pium*; which will be good to your Subjects, and no diminution to your
"Revenue, or derogation to your Prerogative, which in your Majeſties
"hands is as a Scepter of gold, but in others hands is a Rod of iron. I need
"not ſpeak in the praiſe of the Fundamental Common-Laws: *Veritas*
"*temporis filia*, Time hath ſufficiently juſtified them. Monarchy is the B
"beſt Government; and of Monarchies, thoſe which are hereditary. The
"beſt ſupply of your Majeſties wants is in Parliament, where the Subject
"is bound by his own conſent; other courſes of Benevolence come heavi-
"ly. The Subjects enjoy the Goſpel freely by your protection, and your
"Majeſty may be ſafe in their Loyalty: Other ſafeties are but as *Ajax*
"his Shield, a weight rather then a defence. Their deſire is, that the good
"Laws for Religion may be confirmed; and that the generation of Lo- C
"cuſts, the Jeſuites and Seminary-Prieſts, which were wont to creep in
"corners, and do now come abroad, may be by the execution of theſe
"good Laws, as with an Eaſt-wind, blown over the Sea. Our late Queen
"*Elizabeth* lived and died in peace; the Pope curſed her, but God bleſſed
"her: And ſo ſhall your Majeſty, having God to your Friend, find ſafety
"in the Ark of true Religion, and when you are old and full of days, land
"you in Heaven; And then our hopeful Prince which ſprang out of your
"own loins, ſhall ſway that Scepter, which you muſt leave, to enjoy a
"Crown celeſtial: And God in his due time will reſtore the diſtreſſed D
"Princeſs, her Husband and Royal Iſſue, to that Inheritance which is now
"poſſeſſed by the uſurping ſword of their Enemies. Whereof we are the
"more confident, becauſe that Country was heretofore a Sanctuary in our
"diſtreſs, when Religion was here perſecuted. *Cato* was wont to ſay, *Hoc*
"*ſentio, & Carthago deſtruenda eſt*: But I ſay, *Hoc ſentio, & Palatinatus re-*
"*cuperandus eſt.*

"The queſtion was put to a *Lacedemonian*, Why their City wanted E
"Walls? Who anſwered, *Concord* was their Walls. Your Majeſty under
"God is a ſole and entire Monarch, whoſe Walls are the Ocean without,
"and fortified within with a Wall of Braſs, the bond of Unity and Religi-
"on: And happy is that place, of which it may be ſaid as of *Jeruſalem*,
"*It is a City at unity within it ſelf*. Neither is your Government confined
"within the limits of this Kingdom, but extends it ſelf to *Ireland*, where
"your Majeſties care and pains in our late Imployment gave divers provi-
"dent Directions for the ſetting forth of Religion, the reforming of
"Courts of Juſtice, and inflicting puniſhment on the Diſturbers of the F
"Publick peace: And I was *Oculatis teſtis*, that you have made theſe
"ample Endowments of Churches out of your own Excheated Revenue,
"as will be to your honor in all poſterity. But my deſire is, as well in the
"beginning, as in all other our proceedings, our words may be *vera,*
"*pauca, & ponderoſa.*

Therefore

Jacobi 21.

"Therefore with your Gratious Favor, according to antient Presi-
"dents, we are humble Suitors, That you would be pleased to allow our
"antient Priviledges. And that for our better Attendance, our Persons,
"Goods, and necessary Attendants may be free from Arrests; and that
"we may have liberty of free Speech, not doubting but we shall confine
"our selves within the limits of Duty. And because this great business
"may give us occasion often to resort to your Majesty, That upon our
A "Publick Suit you will be pleased to give us your own fit time of access:
"And that all our actions may have a benign interpretation, and a good
"acceptation and opinion.

"Lastly, That I may not onely be a Speaker, but an humble Suitor,
"protesting by the great God, by whom Kings do reign, That whatso-
"ever I have said, hath proceeded from a Loyal Heart, I therefore de-
"sire that may be covered with the vail of your Gratious Construction,
"or acquitted by your Gratious Pardon.

B The King having referred the whole busines of the Spanish Match to the Advice of Parliament, the Duke of *Buckingham* made to both Houses in the Pallace at *Whitehal*, a long Narration of all the Transactions in *Spain*, which was accompained with the Princes Attestation.

C *In the Narration it self his* Grace *observed Six distinct and several parts. The first was, the Motives of the Prince his Fourney to* Spain. *The second, the Treaty of the Marriage set on foot in* Spain, *severally and by its self. The third, the Treaty of the Marriage and Restitution, united together by a Reciprocal Subordination. The fourth, the Prince his Highnes return from* Spain. *The fifth, his Majesties subsequent proceedings in both the Treaties, since the return. The last was, the stating of the Question,* super totam materiam, *wherein both the Houses were to offer unto his Majesty their humble Advice and Counsel. Of these parts his* Grace *spake very distinctly and orderly.*

The Dukes Narrative.

D

I. The Motives to the Princes Journey to *Spain*.

E THe Negotiation of Master Chancellor of the Exchequer with the Arch-Dutchess, which ministred unto his Majesty the first occasion of Jealousie, and made a kinde of discovery of the *Spaniards* indirect dealing with this State: Then was read the aforementioned Letter of the Third of *October*, 1622. from the King to the Earl of *Bristol*, wherein *Bristol* was required to let the King of *Spain* know, how sensible King *James* was of the Emperors proceedings towards him; and that he should demand of the King of *Spain* a promise under Hand and Seal, that *Heidelburgh* should be delivered within Seventy days after Audience, F and the like for *Manheim* and *Frankendale*; if they be taken; and if this be denied, to press to have leave to march through the King of *Spains* Territories with an Army, for the recovery of his Childrens Patrimony; and that the King of *Spain* should assist us with his Forces.

The Duke desired the Houses to take for truth what ever he should say, granted and attested by the Princes presence; and declared, That this

An. 1623. this Letter was not put home to the uttermoſt by *Briſtol*. Hereupon a Diſpatch was ſent away to my Lord of *Briſtol*, expreſly commanding him to preſs his Directions more home then yet he had done, and in caſe he ſhould be denied or delayed by the King of *Spain*, then to take his leave, and come away: This was not ſo fully exacted by my Lord of *Briſtol*.

Porter that carried theſe Letters was commanded not to ſtay above Ten days, who after he had been there ſome Four or five days, and ſaw nothing towards a Diſpatch, went himſelf to the *Conde Olivares* (having been his Creature) and deſired him that he would ſpeed his Diſpatch; *Olivares* asked him what he would have? who replied, No more then what had been formerly promiſed; that in caſe the Emperor ſhould deny the Reſtitution of the *Palatinate*, the King of *Spain* ſhould aſſiſt our King by Arms to recover it, or elſe give way to our Forces to March thither, through his Countrey. *Olivares* replied, That this was a prepoſterous demand; What to aſſiſt with Arms againſt the Kings Uncle, and the Catholick League? *Porter* ſpeaking to him of the Marriage of our Prince with the *Infanta* of *Spain*, he told him, That he underſtood not a word of it.

Porter acquainting *Briſtol* herewith, he ſaid, He would call *Olivares* to an account, if he held this Language with him, and would make him underſtand, That an Earl of *England*, was as good a man as a *Conde* of *Spain*. But ſending for *Porter* the next morning, he changed his reſolution, and concluded to carry the buſineſs more calmly, and ſaid the *Conde* was ſo reſerved, becauſe he was ſlie and dainty to report thoſe Myſteries with that freedom to him, who was not qualified as a Publick Miniſter. The *Conde* was angry with *Porter* for communicating what he ſaid to *Briſtol*. Mr. *Porter* returned with a Diſpatch fraught with Generalities, without any one particular or certainty at all made in relation to the Prince's Highneſs; who thereupon took his reſolution to go in perſon to *Spain*, and gave himſelf theſe Reaſons for the enterpriſe.

He ſaw his Fathers Negotiation plainly deluded, Matters of Religion gained upon, and extorted; his Siſters cauſe more and more deſperate; and that this was the way to put things off or on; and that in this particular, delay was worſe then a denial; and that according to the uſual Proverb, *A deſperate diſeaſe, muſt have a deſperate remedy.*

Hereupon the King commanded the Duke to accompany his Highneſs in his Journey.

II. The Treaty of the Marriage ſevered, and by it ſelf.

WHen the Prince had arived at *Madrid*, the *Conde* gave him a viſit, magnified exceedingly the Princes journey, amplified the Obligations his Highneſs had put upon that King; and ſaid, That now without all peradventure it muſt be a Match, and we muſt part and divide the whole World between us.

The next day the *Conde* taking the Duke into his Coach, and Mr. *Porter*, for his Interpreter, falling into diſcourſe of the Match, he ſaid unto the Duke, Let us diſpatch this Match out of hand, and ſtrike up without the Pope: The Duke anſwered, He liked the manner very well, but

but desired to understand the Means. The Means, quoth the *Conde*, is very easie; it is but the Conversion of the Prince; which we cannot conceive but his Highness intended upon his Resolution for this Journey.

The Duke answered forthwith, That with freedom they came thither, and with freedom they would return again; they were no Juglers, neither came they to *Spain* to make new bargains: That the Prince was setled in his Religion; his Conscience was troubled with no scruples in
A that kinde: If they struck any more upon that string, they would mar all the harmony. Then said the *Conde*, there is no way but to send to *Rome* to hasten the Dispensation; to which the Duke assented. Hereupon the *Conde* wrote his Letter to the Cardinal *Lodovisius*, the Popes Nephew; which being shewed to the Duke, seemed to him to be very heavy; the Duke therefore desired to quicken it with this Postscript, *That now the Prince being arived, must not be sent back without a Wife; that delay to a Suitor, is a kinde of refusal; that Clogging Instructions would amount to a*
B *denial, and new Conditions to an absolute breach.* The *Conde* fell into Choller, said directly it could not be done. This the Prince affirmed to be acted in his presence: But the Earl of *Bristol* made a more benign construction thereof, the Duke a right-down conclusion, That this people never intended either Match or Restitution; and so wished his Highness fairly at home again: However the Messenger was dispatched to *Rome*.

Four or five days after his Highness was placed to see his Mistress in her passage through the streets, as she made her visits from Church to
C Church: But pressing for access, he was delayed, but at last obtained a visit: But a very strange one! He was not suffered to speak unto her, but as they had set it down in words and syllables in writing, saying, They were no Astrologers, and could not foresee the event of this Marriage; and therefore they resolved to admit him as a Prince onely, and not as a Suitor. But the *Conde* salved this up with a Complement, That if the Dispensation were once returned, he should lie with her even that very night; nay, have her he should upon any terms. If he could not be
D qualified to enjoy her as a Wife, yet he should have her as a Mistress.

Soon after riding in a Coach, it was urged by the *Conde*, That the *Infanta* was of a tender Conscience, and if she should come into *England*, and finde the Prince an enemy to her Religion, it would quite dishearten her. His Highness consented to hear her upon this subject, because he was as like to convert her, as she was to pervert him. A Conference with Divines was pressed upon his Highness, which he refused, and said, If
E after Disputation with them, they should not prevail against a yong man, they would remain much disgusted and ill-affected to the whole Negotiation. This kinde of importunity was still used toward the Prince, till the return of the Dispensation.

Six weeks after the Princes arival came the Dispensation, but his Highness understood from *Rome* by Mr. *Gage*, that the Dispensation was returned much clogged in Matter and Manner, especially with the annexed new Condition. The King of *Spain* before the receiving of the Dis-
F pensation, was to take an Oath to see all the Articles performed, whereupon Faculty was issued, really performed, or else to make War in case of any failer upon the King of *England*.

His Highness signified his Resolution unto them, that he neither could nor would adde or alter any thing of the first Articles sent to *England*.

A *Junto* of Divines are appointed to meet and consider, whether the King might safely take the Oath. By this time the Prince had gone

An. 1623. through all the Articles, ſitting in perſon with the Committee; onely leaving three undiſcuſſed, That of the Church, that of the Nurſe, and that of the Education of the Children; which his Highneſs reſerved till he ſhould ſpeak with the King. Then ſaid the *Conde*, Now the buſineſs is in a better way then ever it was, a Match, and without more ado ſhe was his Wife.

But the next day came *Gondomar* and ſpake unto the Prince of the ſame Match, as of a new thing, and told him plainly, That unleſs his Highneſs came to all the Conditions of the Diſpenſation as they were ſent from *Rome*, clearly and entirely, nothing would be done; for they had no power to remove or alter a word of falſe *Latine*. Whereupon his Highneſs was juſtly diſtaſted, and offered to break. Then they preſſed the Prince, that he would be pleaſed to ſtay twenty days, until the King of *Spain* might receive an Anſwer from *England*. The Prince reſolved to ſtay, upon condition that Sir *Francis Cottington* might be diſpatched away within two days, and ſome Meſſenger that might overtake him with the Articles that ſhould be ſent after, as ſoon as ever they could be made ready; But the two days of their hammering ſpun out to twenty; at the end thereof they brought them with new Additions.

The Articles being at laſt ſent to *England*, the *Junto* of Divines delivered their opinions, that the *Infanta* could not be ſent over before the Spring; at which his Highneſs was offended, but the *Conde* prevailed with him to ſtay until their Ambaſſadors ſhould certifie out of *England*, that the Articles were aſſented unto by King *James*, and put in execution, and then the Lady ſhould go with the Prince.

The Biſhop of *Segovia* was pleaſed to ſay to the Duke, That he had heard ſomething of the State of our Kingdom, and had received it from good hands; That our King could not make a Toleration without a Rebellion; and eaſily believed it; becauſe the King of *Spain* is not able in his Dominions to effect the like enterpriſe, without incurring the like danger; therefore he concluded, it was unſafe to ſend the Lady thither at this time, becauſe we having granted as much in effect as a Toleration, it was very probable ſhe ſhould be welcomed with a riſing and rebellion. To which the Duke replied, That if the favors which the King his Maſter had exhibited to his Catholicks at the Mediation of that King, and the Advice of that very Committee, of which that Biſhop was one, be of ſo dangerous a conſequence; it ſeems their Lordſhips, who gave the Advice for that Article, though they pretended Religion, intended plain and open Rebellion. But you muſt know quoth, the Duke, if his Highneſs had been of my Lord Biſhops opinion, That theſe Conferences had amounted to a Toleration, he had never accepted of theſe Articles to have gained any allowance: For what was agreed unto, was but a Temporary Suſpenſion of Penal Laws, but no Toleration; for that could not be done, but by conſent of Parliament. Then *Gondomar* hereupon ſaid, That for his part, he did not hold it fit to ſend the *Infanta* thither, before the Articles be perfectly put in execution. And *Gondomar* privately infuſed to the Prince his Highneſs, being incenſed againſt the Duke, That the Duke was in heart, (as he ſaid all his Kinred were) a *Roman* Catholick; and he ſaid to a Jeſuite of great account and zeal in thoſe parts, That the Duke was a moſt obſtinate, perverſe, and refractory Puritan.

About this time it was reported that the Prince intended to ſteal away, whereupon they laid in wait to intercept him: Hereupon the Duke

was

was ſent to tell them, That although they had ſtoln thither out of love, they would never ſteal thence out of fear. 21 *Jacobi.*

About this time the Prince ſent a Meſſage to his Father, That if he ſhould receive any Advertiſement, that he was detained by that State as a Priſoner, he would be pleaſed for his ſake, never to think upon him any longer as a Son, but reflect upon the good of his Siſter, and the ſafety of his own Kingdoms.

A

III. The Treaty of the Match and Reſtitution, reciprocally ſubordinated.

IT is fit to obſerve this paſſage, which is the thing whereupon all his Highneſs ſubſequent Actions are turned and moved. He had never
B ſtaid a ſevennight longer in *Spain*; he had never left any Proxy with *Briſtol*; he had never taken any Oath at the Eſcurial; or ever ſo much as written a Letter of Complement to the Lady; but that he had ſtill before his eyes, as his Cynoſure, the Promiſe made by the *Conde*, for the Reſtitution of the *Palatinate*.

To haſten the Delivery of the Lady, the Duke preſented unto the *Conde*, how his Maſter was now in years, the Prince his onely Son; and he would ſuffer in Honor and Reputation, to return home without his
C Wife. The *Conde* conſented hereunto, and deſired the Prince would name a day for his departure.

This news came to the *Infanta*, who ſeemed to be Apprehenſive of the Princes going away, and prevailed with his Highneſs to return this Complement unto her, That rather then he would give her *Alteza* any diſguſt, he would ſtay for her ſeven years.

By this time Sir *Francis Cottington* is arived with all things perfected by the King, and Letters from the Ambaſſadors of full ſatisfacton, and a
D command from the King to his Highneſs, to make his return within one moneth.

Now began the *Conde* to enter into the Treaty for the Reſtitution of the *Palatinate*, ſaying, The Lady ſhould by no means go to *England*, before that buſineſs was accommodated. And it was projected, That there ſhould be a Reſtitution of the Land to the Prince *Palatine*, upon a Condition of Marriage with the Emperors Daughter, and that he ſhould be bred in the Emperors Court. The Prince demanding of the *Conde*,
E whether in caſe the Emperor proved refractory, the King his Maſter would aſſiſt him with Arms to reduce him to reaſonable terms? The *Conde* anſwered Negatively, becauſe they had a Maxim of State, that the King of *Spain* muſt never fight againſt the Emperor; for they would not employ their forces againſt the Houſe of *Auſtria*.

Hereupon his Highneſs made his Proteſtation to the *Conde*; *Look to it Sir, for if you hold your ſelf to that, there is an end of all; for without this you may not relie upon, either Marriage or Friendſhip.*

F By this time the Prince is grown cheap and vulgar in the Court of *Spain*, ſo that they will ſcarce beſtow a viſit upon him, and the *Conde* came very ſeldom to him: And two Letters came to the Dukes hands, which ſhewed, that all that the *Conde* did, was nothing but flaſhes and lightning; notwithſtanding he ſeemed at this time to be in a good humor, and told the Duke, That now certainly it muſt be a Match, and the Devil

An. 1623.

could not break it: The Duke replied, He thought ſo, and the Match had need be very firm and ſtrong, it had been ſeven years in Soadering. The *Conde* denied, and ſaid plainly, it had not been really intended ſeven moneths; and ſaid, I will fetch that out of my Desk, that ſhall aſſure you thereof; and ſo produced two Letters, the firſt was written with the King of *Spains* own hand, Dated the Fifth of *November*, 1622. And the other from the *Conde Olivares* of the Eighth of *November*, 1622. Both which Letters are mentioned before.

IV. The Princes return from *Spain*.

AND now the Prince returning for *England*, being engaged to leave his Proxy, did depoſite the ſame in the hands of the Earl of *Briſtol*, who was to keep it, and uſe it as his Procurator; that is, As he ſhould receive his Highneſs Direction from time to time: His words for the preſent were (ſaid the Duke) That if the Confirmation came from *Rome* clear and intire, (which it did not) then within ſo many days he ſhould deliver it to the King of *Spain*.

The ſecond Direction ſent to him, was by a Letter which his Highneſs ſent him, between his departure from the Eſcurial, and coming to the Sea ſide, to this effect, That for fear a Monaſtery ſhould rob him of his Wife, he ſhould ſtay the delivery of the Powers until the doubts were cleared; and that his Highneſs would ſend him in the Premiſſes ſome further Directions? Here becauſe my Lord of *Briſtol* in his Letter of the Firſt of *November*, 1623. doth preſs ſo vehemently the Prince his Highneſs concerning this Proxy, and the Prince vowed openly before both Houſes, that he had never by Oath or Honor engaged himſelf not to revoke the Powers, more then by the clauſe *De non revocando Procuratore* inſerted in the Inſtrument it ſelf, and that he conceived the clauſe to be matter of Form; and although Eſſentially of no binding power, yet uſually thruſt into every ſuch Inſtrument; and that the Civilians do hold, That it is lawful by the Civil and Canon Law, for any man to revoke his Proxy of Marriage, notwithſtanding it hath the clauſe *De non revocando Procuratore* inſerted in it. Therefore as to this point the Duke concluded, That the Earl of *Briſtol* in charging this matter ſo highly on the Prince, had much forgot himſelf.

V. The Subſequent proceedings of his Majeſty in both the Treaties, ſince the return of his Highneſs.

THE Prince by the Mercy of God came to *Royſton*, and made his Relation to the King of all that had paſſed, His Majeſty was glad, and told him, That he had acted well the part of a Son; and now the part of a Father muſt come upon the Stage, which was to provide with all circumſpection, That his onely Son ſhould not be married with a Portion of Tears to his onely Daughter. And therefore his Majeſty commanded by an expreſs diſpatch, the ſtay of the Proxy in the Earl of *Briſtols* hands, until he had ſome better aſſurance of the Reſtitution of the *Palatinate*.

Then was read his Majeſties Letter to the Earl of *Briſtol*, dated the Eighth

Eighth of *October*, 1623. wherein the Earl of *Briſtol* was poſitively required by the King, That before he deliver the Powers, or move to the Contract, to procure from the King of *Spain* a direct Reſtitution of the *Palatinate*, and the Electoral Dignity, or to aſſiſt with Arms within a time limited. 21 *Jacobi.*

You would perceive that by this Diſpatch, *Briſtol* would lay hold on all hints and emergent occaſions to put off the *Deſponſories* without this A required Aſſurance by Arms firſt obtained; but the truth is, he did not ſo.

For firſt, the Confirmation came from *Rome* clogged and mangled; and inſtead of challenging thereupon, he labors with no ſmall ſtrength of wit to hide and palliate the ſame.

Secondly, In the Temporal Articles, the Portion was altered, Six hundred thouſand pounds in ready caſh, to ſome Eighty thouſand pounds in money, and a few Jewels, and a Penſion of Two thouſands pounds B *per annum*. Inſtead of quarrelling this main alteration, he ſeems to approve and applaud the payment.

Thirdly, For the Aſſurance of Reſtitution of the *Palatinate*, the main Foundation both of Match and Friendſhip, he is ſo far from providing for it before (which was the Method preſcribed him by the King) that he leaves it to be mediated by the *Infanta* after the Marriage.

Laſtly, Inſtead of putting off the Contract, as any man in the world (upon the Diſpatch from *Royſton*) would have done, he comes to prefix a C preciſe day for the *Deſponſories*.

Now from this raſh fixing of the day for the *Deſponſories* in *Spain*, which was controlled again by an Expreſs, from hence iſſued an unneceſſary diſcourteſie put upon the King, and in a manner upon the *Infanta* by the Earl of *Briſtol*: From that proceeded a greater affront put upon the Prince, the taking away the title *La Princeſa* from the *Infanta*, and the debarring of our Ambaſſadors from any further Acceſs to her perſon.

D Then was produced an Anſwer of the King of *Spain* to the Memorial of the Ambaſſador, implying a Refuſal to aſſiſt by Arms for the recovery of the *Palatinate*, in caſe the Emperor conſent not to a Reſtitution, which we have inſerted in *ſeries* of time:

VI. The Stating of the Queſtion *Super totam Materiam.*

E

THis Queſtion the Duke ſtated on this manner, Whether this being the full effect and product of all the Negotiation, which I have opened unto you, be ſufficient, *Super totam Materiam*, for his Majeſty to relie upon with any ſafety; as well for the Marriage of his onely Son, as for the relief of his onely Daughter: Or, that theſe Treaties ſet aſide, his Majeſty were beſt to truſt in his own ſtrength, and to ſtand upon his own F feet? So the Duke ended with this Concluſion, That if the bringing us from darkneſs to light, did deſerve any thanks, we ow it and muſt wholly aſcribe it to the Prince his Highneſs.

The Prince was preſent at this Narration, and aſſiſted the Duke of *Buckingham* therein, and certified many particulars thereof; and it being reported

An. 1623. reported the same day to the House, his Highness approved thereof there also.

The Spanish Ambassador took great offence at the Dukes Relation, as reflecting upon his Masters Honor, and demanded his Head for satisfaction.

The House of Lords by a general Vote acquitted the Duke from the Accusation of the Spanish Ambassador, and justified his Relation, and intended to signifie as much to his Majesty by a Committee of the whole House, That the Duke may be encouraged to proceed in his faithful service to the State: Unto which, the Commons so directly and fully answered, as if the two Houses had been Twins; and what one had said, thought, and done, the other had thought, said, and done the same. And the Commons desired to joyn with the Lords, in signifying this to his Majesty, which was done by the ensuing Addres.

Both Houses of Parliament justifie the Duke in his Narrative.

"YOur Majesties most Loyal Subjects, the Lords, Knights, Citizens, and Burgesses, Assembled at this time in both Houses of Parliament, being informed of a Complaint made unto your most "Excellent Majesty against the Duke of *Buckingham*, That in the Narrative, which by your Majesties command, he made unto both Houses, "the Four and twentieth of *February* last, he should let fall some passages, "grievous to the Honor of the King of *Spain*, and inferred to be of so "high a nature, as if the same had been delivered by any Subject of that "King against your Majesty, it could not have been otherwise expiated "then with the loss of his Head that spoke it: Taking this into their "mature deliberation, and conceiving that this Accusation doth in an "oblique manner fasten an Aspersion upon themselves also; do in all "submission and humility make unto your Majesty a Threefold Repre-"sentation: First, Concerning that great King; secondly, Concerning "that eminent Lord; thirdly, Concerning themselves.

"First, Concerning that King, they do with an unanimous Vote of "both Houses, absolutely acquit, and clear the Lord Duke from letting "fall any words at all derogatory to the Honor of that King.

"For the second, That concerns my Lord, they do in the like humility attest unto your most Sacred Majesty, That if my Lord the Duke "had omitted any matter represented unto them that day, he had for so "much failed in the performance of that duty and fidelity which he oweth "unto your Majesty, and to the business, and unto both Houses.

"For the last, which concerneth themselves, they make bold in "like humility to represent unto your Majesty, That they do much honor "my Lord the Duke for that Narration, and do render unto him all pos-"sible thanks, for that fidelity and industry expressed therein; and so "without your further trouble, Do humbly beseech your most Excellent "Majesty, to interpret fair of this their Representation, which they "held themselves bound to offer unto your Majesty, for the clearing of "so eminent a person, who as they verily believe, hath in this Negotia-"tion, well deserved of your Majesty and the Commonwealth: So they "heartily pray unto God to preserve your most Excellent Majesty.

To which Representation his Majesty returned this Answer.

"My

Jacobi 21.

His Majesties Answer to that Justification.

"MY Lords and Gentlemen all, I might have reason to speak nothing in regard of the person whereof you spake; but in regard of your Motion, it were not civil: For if I be silent, I shall wrong neither my self, nor that Nobleman which you now spake of, because he is well known to be such a one, as stands in no need of a Prolocutor, or *Fidejussor*, to undertake for his fidelity, or well carrying of the business: And indeed to send a man upon so great an *Errand*, whom I was not resolved to trust for the carriage thereof, were a fault in my discretion scarce compatible to the love and trust I bear him. It is an old and true saying, *That he is a happy man that serves a good Master*; and it is no less truth, *That he is a happy Master that enjoys a faithful Servant.*

A

"The greatest fault (if it be a fault) or at leastwise the greatest error, I hope he shall ever commit against me, was his desiring this Justification from you; as if he should have need of any Justification from others towards me, and that for these Reasons.

B

"First, Because he being my Disciple and Schollar, he may be assured I will trust his own Relation.

"Secondly, Because he made the same Relation unto me, which he did afterward unto both Houses; so as I was formerly acquainted both with the matter and manner thereof: And if I should not trust him in the carriage, I was altogether unworthy of such a Servant. He hath

C

no interest of his own in the business; he had ill thoughts at home for his going thither with my Son, although it was my command, as I told you before. And now he hath as little thanks for his Relation on the other part: Yet he that serveth God and a good Master, cannot miscarry for all this.

"I have noted in his Negotiation these three remarkable things, Faith, Diligence, and Discretion, whereof my Son hath borne record unto me; yet I cannot deny, but as he thought to do good service to

D

his Master, he hath given ill example to Ambassadors in time to come, because he went this long journey upon his own charges. This would prove an ill example, if many of my Ambassadors should take it for a President. He run his head into the yoke with the people here, for undertaking the journey; and when he there spent above Forty or fifty thousand pounds, never offered his accompt, nor made any demand for the same, or ever will. I hope other Ambassadors will do so no more. I am a good Master, that never doubted of him; for I know him to

E

be so good a Schollar of mine, that I say without vanity, he will not exceed his Masters Dictates: And I trust the Report not the worse he made, because it is approved by you all; yet I believe an honest man, as much as all the World, and the rather, because he was a Disciple of mine. And I am glad he hath so well satisfied you, and thank you heartily for taking it in so good part, as I finde you have done.

F

The Lords having debated those high Matters of State, which the King put into their hands, delivered their opinions, That his Majesty cannot with honor and safety, and with the conveniency of State and Religion, proceed any further in the Treaty of the Princes Marriage, nor relie any longer upon the Treaty for the recovery of the *Palatinate*; in which Vote, the Commons concurred with them.

And in this manner both Houses Addressed themselves to the King.

May

An. 1623.

Both Houſes of Parliament concur, that the King may not honorably proceed in the Treaty of the Prince's Marriage, and the Palatinate.

May it pleaſe your moſt Excellent Majeſty,

"WE are come unto you, imployed from your moſt faithful Subjects and Servants, the Lords and Commons aſſembled in this preſent Parliament.

"And firſt, They and we do give moſt humble and hearty thanks "unto Almighty God, that out of his gracious goodneſs he hath been "pleaſed now at laſt to diſpel the Clouds and Miſts which for ſo many "years have dimmed the eyes of a great part of Chriſtendom, in the buſi- "neſs whereof we do now conſult. A

"And ſecondly, We acknowledge our ſelves moſt bound unto your "Majeſty, that you have been pleaſed to require the humble Advice of "us your obedient Subjects in a Caſe ſo important as this is, which hither- "to dependeth between your Majeſty and the King of *Spain*. Which we B "jointly offer from both Houſes, *no one perſon there diſſenting or diſagree-* "*ing from the reſt*. And it is upon mature conſideration, and weighing "many particulars of ſundry natures, that finding ſo much want of Sin- "cerity in all their Proceedings, We *ſuper totam materiam* preſent this "our humble Addreſs unto your Majeſty; That the Treaties both for "the *Marriage* and the *Palatinate* may not any longer be continued with "the honor of your Majeſty, the ſafety of your People, the welfare "of your Children and Poſterity, as alſo the aſſurance of your antient C "Allies and Confederates.

Reaſons were alſo preſented, to fortifie this Vote.

"Whereas the Propoſitions of the *Match* were at the firſt no more "then *Liberty of Conſcience* to the *Infanta* and her Family, which the "King might in honor grant; The *Spaniards* taking advantage of the "Prince's being in *Spain*, importuned a General Connivence of Religion, D "to the diminution of the Kings Soveraignty, and againſt the uſage of "other Catholick Princes in the like Treaties, and to the diſcourage- "ment of all his well-affected Subjects. And this they have labored with "the Pope, being of miſchievous conſequence. During this Treaty, the "Popiſh Faction hath mightily increaſed: And whereas heretofore they "were wont to be divided, ſome taking part with the *Secular Prieſts*, and "ſome with the *Jeſuites*, they are united; which is a matter of great con- "ſequence, conſidering they do as well depend on *Spain* for Temporal E "matters, as on *Rome* for Spiritual: And they cannot be ſuppreſſed, as "long as the Treaty holds.

"They have by this Treaty devoured our Allies, and the Proteſtant "party in *Germany* and elſwhere, to the decay of true Religion, and to the "jealouſie of our Friends beyond the Seas. During this Treaty of *Love*, "they have ſpoiled his Majeſties Son-in-law of his Lands and Honors; "and notwithſtanding promiſes of Reſtitution, ſtill invaded his Rights, "and at length turned pretended Difficulties into apparent Impoſſibili- F "ties. They have deluded our *King*, and offered indignity to our *Prince*, "by importuning him again and again to a *Converſion*, contrary to the "Law of Hoſpitality, and the Priviledge of Princes.

"The Inſincerity of their Proceedings is to be ſeen by that former "Overture of Marriage for the late Prince *Henry*, which after many

ſpecious

21 *Jacobi.*

"ſpecious Motions, was followed with a diſavowing of their own Am-
"baſſador, and a ſcornful Propoſition made to the King, of the Prince's
"altering his Religion. As alſo by the Treaty of *Bruxels*, where the
"Lord *Weſton* found nothing but Delays, and Deceit; and after divers
"peremptory Commands from *Spain* for his Majeſties ſatisfaction, it
"wrought no other effect then the Beſieging and taking of *Heidel-*
"*burgh*; inſomuch that the Ambaſſador was forced to *proteſt*, and
A "return.

"To theſe things were added, the Tranſlation of the *Electorate* to
"the Duke of *Bavaria*, and the Letter of the King of *Spain* to Conde
"*Olivares*, with the Conde's Anſwer, which imported that the Match
"was never intended. As alſo after the *Prince* had taken a hazardous
"Journey, they deviſed a ſhift by a *Junćto* of Divines, to let him come
"home without the *Lady*.

B These Reaſons were preſented to the King by the univerſal conſent of the Houſe of Commons. Hereupon the King came to Parliament, and made a Speech deliberative, enquiring into the Condition of the War which they adviſed, and the means to uphold and carry it on.

My Lords and Gentlemen all,

The Kings Speech to the Parliament perſwading him to break off the two Treaties of the *Match* and of the *Palatinate*.

C "I Have cauſe firſt to thank God with my heart and all the faculties
"of my mind, that my Speech which I delivered in Parliament hath
"taken ſo good effect amongſt you, as that with an unanimous con-
"ſent you have freely and ſpeedily given me your Advice in this great
"Buſineſs, for which I alſo thank you all as heartily as I can.

"I alſo give my particular thanks to the Gentlemen of the Lower
"Houſe, for that I heard when ſome would have caſt Jealouſies and
"Doubts between me and my people, they preſently quelled thoſe moti-
D "ons, which otherwiſe might indeed have hindred the happy Agreement
"I hope to find in this Parliament. You give me your Advice to break
"off both the Treaties, as well concerning the *Match*, as the *Palatinate*:
"And now give me leave, as an *old King*, to propound my Doubts, and
"hereafter to give you my Anſwer.

"Firſt it is true, that I who have been all the days of my life a peace-
"able King, and have had the honor in my Titles and Impreſſes to be
"ſtiled *Rex Pacificus*, ſhould be loth without neceſſity to imbroil my ſelf
E "with *War*, far from my Nature, and from my Honor which I have had
"at home and abroad, in endeavouring to avoid the effuſion of Chriſtian
"blood, of which too much hath been ſhed, and ſo much againſt my heart.
"I ſay, that unleſs it be upon ſuch a Neceſſity, that I may call it, as ſome ſay
"merrily of Women, *Malum neceſſarium*, I ſhould be loth to enter into it.
"And I muſt likewiſe acquaint you, that I have had no ſmall hope given
"me of obtaining better Conditions for the Reſtitution of the *Palatinate*,
"and that even ſince the ſitting down of the Parliament: But be not
F "jealous, or think me ſuch a King that would under pretence of asking
"your Advice, put a ſcorn upon you by diſdaining and rejecting it: For
"you remember, that in my firſt Speech unto you, for proof of my love
"to my People, I craved your Advice in this great and weighty affair;
"But in a matter of this weight, I muſt firſt conſider how this Courſe
"may agree with my Conſcience and Honor; and next according to the

An. 1623.

"Parable uttered by our Saviour, after I have reſolved of the Neceſſity "and juſtneſs of the Cauſe, to conſider how I ſhall be enabled to raiſe "Forces for this purpoſe.

"As concerning the *Cauſe of my Children*, I am now old; and as *Moſes* "ſaw the Land of Promiſe from an high mountain, though he had not "leave to ſet his foot in it, ſo it would be a great comfort to me, that "God would but ſo long prolong my days, as if I might not ſee the "Reſtitution, yet at leaſt I might be aſſured that it would be; That A "then I might with old *Simeon* ſay, *Nunc dimittis Servum tuum, Domine*, "*&c.* Otherwiſe it would be a great grief unto me, and I ſhould die "with a heavy and diſcomforted heart. I have often ſaid, and particu- "larly in the laſt Parliament, and I ſhall ever be of that mind, That "as I am not ambitious of any other mens Goods or Lands, ſo I deſire "not to enjoy a Furrow of Land in *England*, *Scotland* or *Ireland*, with- "out Reſtitution of the *Palatinate*: And in this mind I will live and "die. B

"But let me acquaint you a little with the Difficulties of this Cauſe. "He is an unhappy man, that ſhall adviſe a King to *War*; and it is an "unhappy thing to ſeek that by *Blood*, which may be had by *Peace*. "Beſides, I think your intentions are not to engage me in War, "but withal you will conſider how many things are requiſite there- "unto.

"I omit to ſpeak of my own Neceſſities, (they are too well "known:) Sure I am, I have had the leaſt help in Parliament of any C "King that ever reigned over you theſe many years. I muſt let you "know that my Diſabilities are increaſed by the Charge of my Son's "journey into *Spain*, which I was at, for his honor, and the honor of this "Nation: By ſending of Ambaſſadors, by maintaining of my Children, "and by aſſiſting of the *Palatinate*, I have incurred a great Debt to the "King of *Denmark*, which I am not able yet to pay.

"The *Low-Countries*, who in regard of their nearneſs are fitteſt to "help for the Recovery of the *Palatinate*, are at ſo low an ebb, that if D "I aſſiſt them not, they are ſcarce able to ſubſiſt. The Princes of *Ger-* "*many* that ſhould do me any good, are all poor, weak and diſheartned, "and do expect aſſiſtance from hence. For *Ireland*, I leave it to you, "whether that be not a back-door to be ſecured. For the *Navy*, I thank "God, it is in a better caſe then ever it was, yet more muſt be done; "and before it can be prepared as it ought to be, it will require a "new Charge as well for its own ſtrength, as for the ſecuring of the "Coaſts. E

"My Children, *I vow to God*, eat no bread but by my means; I muſt "maintain them and not ſee them want. In the mean time, my *Cuſtoms* are "the beſt part of my Revenues, and in effect the ſubſtance of all I have "to live on; All which are farmed out upon that condition, That if there "be War, thoſe Bargains are to be diſannulled, which will enforce a great "defalcation.

"*Subſidies* ask a great time to bring them in: Now if you aſſiſt F "me that way, I muſt take them up beforehand upon credit, which "will eat up a great part of them. This being my Caſe, To enter "into War without ſufficient means to ſupport it, were to ſhew my "teeth, and do no more. In the mean time I heartily thank you for "your Advice, and will ſeriouſly think upon it, as I pray you to conſider "of thoſe other parts.

"My

Jacobi 21.

"My *Treasurer*, to whose Office it appertains, shall more at large in-
"form you of those things that concern my Estate. Thus freely do I open
"my heart unto you: And having your *hearts*, I cannot want your *helps*;
"for it is the *heart* that openeth the *purse*, not the *purse* the *heart*. I will
"deal frankly with you: Shew me the Means how I may do what you
"would have me, and if I take a Resolution by your Advice to enter into
"a War, then your selves by your own Deputies shall have the disposing
A "of the Money; I will not meddle with it, but you shall appoint your
"own Treasurers. I say not this with a purpose to invite you to open your
"Purses, and then to slight you so much as not to follow your Counsel,
"nor engage you before I be engaged my self. Give me what you will for
"my own means; but I protest, none of the Monies which you shall give
"for those uses, shall be issued but for those ends, and by men elected by
"your selves. If upon your offer I shall find the means to make the
"War honorable and safe, and that I resolve to embrace your Advice,
B "then I promise you in the word of a King, That although War and
"Peace be the peculiar Prerogatives of Kings, yet as I have advised
"with you in the Treaties on which War may ensue, so I will not
"treat nor accept of a Peace, without first acquainting you with it,
"and hearing your advice; and therein go the proper way of Par-
"liament, in conferring and consulting with you: And happily,
"the Conditions of Peace will be the better, when we be prepa-
"red for War; according to the old Proverb, That *Weapons bode*
C "*Peace*.

"Your kind carriage gives me much content; And that comforts
"me, which my Lord of *Canterbury* said, *That there was not a Contrary*
"*voice amongst you all*; like the *Seventy Interpreters*, who were led
"by the breath of God. I am so desirous to forget all rents in former
"Parliaments, that it shall not be in my default, if I am not in love
"with Parliaments, and call them often, and desire to end my life in
"that entercourse between me and my people, for the making of good
D "Laws, reforming of such Abuses as I cannot be well informed of
"but in Parliament, and maintaining the good Government of the
"Commonwealth. Therefore go on cheerfully, and advise of these
"Points, and my Resolution shall then be declared.

Hereupon the House of Commons immediately took into consi-
deration the matter of Supply: And Sir *Edward Sackvile*, afterwards
Earl of *Dorset*, spake thus to that Subject.

E

Sir Edw. Sackville's Speech.

"SInce *Supply* unto his Majesty is now in question, of which I hope
"there will be no question, I humbly ask leave of this Honorable
"Assembly to speak my Opinion; assuring you, That when a
"Treaty of *Grievances* shall be on foot, it shall appear I will not sit silent,
"if I find my self able to say any thing that may lend a hand to unload
"my Country of that heavy burthen it now groans under by reason of
F "the innumerable number of *Monopolies*, which like so many *Incubusses*
"and *Succubusses* exhaust the Vital spirits, and so press down those Parts
"which ought to enjoy free respiration, as without some speedy reme-
"dy is like to run to extreme hazard. But this I refer to its proper
"time, and reserve my self for it, and now proceed to the matter in
"hand.

An. 1623.

"Sure, I do think there are very few that ſerve in this Houſe (if there "be any) who do not confidently believe, that the chief Motive which "induced his Majeſty at this time to aſſemble this Parliament, was a "meer Neceſſity to be by us enabled for the Recovery of the Patrimony "belonging to the King of *Bohemia*, now almoſt traverſed from him, and "in the poſſeſſion of a powerful Enemy. If there be any who doubt of "this truth, I hope he may eaſily reſt ſatisfied, when I ſhall aſſure him "(out of my own knowledge) that many days before this Seſſion, his A
"Majeſty commanded a ſelect number of Noblemen and Gentlemen, "the moſt part whereof have been Commanders in the Wars, and ſome "yet are, to conſult together of what Number of men an Army ought to "be compoſed, which might be able to recover the *Palatinate*, and protect "it from a ſecond Invaſion. Theſe according to his Majeſties good plea- "ſure divers days met together at one appointed place, and there con- "tributed their beſt endeavors: At leaſt they have finiſhed their task; "adviſed the King of the Number of Soldiers; they have eſtimated the B
"preſent Charge his Majeſty muſt be at for the Relieving, Arming, "Clothing, Munition and Habiliments of War; Theſe have likewiſe "calculated the Annual Expence for the maintenance of them.

"The firſt I will now inform you; And for the laſt Point, becauſe "of a greater Charge and Conſequence, I will allow more time of Con- "ſideration. Twenty five thouſand Foot, and Five thouſand Horſe, is "the portion they all agree on; and leſs they could not conſider to be "ſent, conſidering they were to combat with an Enemy ſo far from hence, C
"already in poſſeſſion of a great part of the Country, well fortified in "many places, Maſter of an Army compoſed with Twenty thouſand "Foot and Four thouſand Horſe, moſt Veterane Soldiers, commanded "by the beſt Captains now known in the Chriſtian world, except the "Prince of *Orange*; after whom to be eſteemed ſecond, is the higheſt "praiſe: I ſay, all theſe reſpects duly weighed, there could not in their "judgments be abated of this proportion: And this Army was framed "on that mould which the Secretaries of State gave them of the Ene- D
"mies ſtrength.

"The iſſue of Battels is in the hands of God: The eyes of Hu- "mane providence cannot ſee beyond its horizon; It cannot aſcertain "future Contingents, it can only judge of what ſeems fit to be done, "guided by the Rules of Probability and Reaſon. Events happen often "contrary, and never more contrary then in matters of Warfare: Yet "admit a ſiniſter ſucceſs to happen, a Counſel wiſely taken ought not "therefore to loſe the due commendations. E

"Sirs, I have told you the Number; You now expect to know the "preſent Charge, in which I ſhall deal moſt truly with you. Believe me, "His Majeſty muſt diſburſe Thirty thouſand pounds for proviſion of "Neceſſities to furniſh ſuch an Army to be ſent; The moſt part of the "Proviſions muſt be made beyond the Seas, for there Arms are beſt, "and beſt cheap: This Army muſt (if ſuch an Army) go by the end "of *April*.

"It was God that ſaid, *Let there be light, and it was ſo*: Kings F
"(though they be ſtiled Gods) enjoy no ſuch power, incommunicable "to any Kings. Whatever their ends or deſires are, they muſt allow time "to the conſummation of them: They be Soveraigns over us, but ſub- "ject unto Time. But what need I add ſpurs to a forward horſe? In my "conſcience, there are few Members in this Houſe, that to that *Holy War*

"(as

21 Jacobi.

"(as I may justly stile it) would not as willingly and as heartily contri-
"bute the service of their persons, as the assistance of their purses. I
"know I speak the Language of all your Hearts, let us shew our Faith by
"our works: Time was to have done much better then now we can;
"time is that we may do well; but if we attend somewhat longer, time
"will be past: So as all we do then will be so out of season, as it can pro-
"duce neither any great, nor any good effect. But stay, methinks I hear
A "some say, Why his Majesty told us, that by way of Treaty he hoped
"so to prevail, as the *Palatinate* should be restored. I confess I heard so
"to; and Heaven be pleased to crown his actions with success, as the
"piousness of his intentions deserves. But I must be excused, if I doubt
"it, if I fear it, if I despair of it: For it is no article of my Faith to believe
"in Miracles. But suppose this might be brought to pass, what then, shall
"this gift of ours be lost, or cast away? No sure, it will be well bestow-
"ed, if as a Sacrifice of our thankfulness we offer it unto his Majesty, by
B "whose Wisdom that is regained; which certainly by any other course,
"must needs have exposed our persons to great danger, and our purses to
"much more expence. And in this we shall do as he that receiveth a rich
"present, and returns a small reward. Perhaps this way may not qua-
"drate with every mans conceipt; if not, then let this which his Majesty
C "demands to make provision for a Foreign Army, be employed in rear-
"ing a Magazin here at home, since so great is the want of Munition, as
"I wonder we all cry out for want of Money, and never think how to
"be stored of that, which of the two, is more necessary: Seeing by the
"one, we are onely enabled to live more plenteously and sumptuously;
"and by the other, our lives are preserved free from misery and slavery.
"In matters of moment, I know it is as laudable to use Deliberation be-
"fore a Resolution, as after that once taken, Celerity in execution.
"Council is the Compass by which all great Actions ought to be guided;
"it is the Stear by which wise men do shape their courses. I allow it, I
"commend it, I advise it; yet to be so slow, so discussive, so long in re-
D "solving, all we then can do, will be no more worth then a Physitian
"after death. Sure such a dulness, must needs accuse us of much weak-
"ness, if it admit of no worse construction, (*bis dat qui cito dat*) freeness
"in giving graceth the gift; *dimidium facti qui bene cœpit habet.* We have
"a long journey to go, and to set forward is half the way. How pressing
"the occasion is, my Tongue faints to tell, (*Vox faucibus hæret*) *The Foxes*
"*have Holes, and the Birds of the Air have Nests*; but the Daughter of our
"King and Kingdom scarce knows where to lay her head, or if she do, not
E "where in safety.

"Lastly, When we had no other object in our Contemplations, but
"the memory of her vertue (which remaineth in durable Characters in
"the heart of every honest man) what a forwardness and ferventness did
"we express in these our voluntary contributions, notwithstanding that
"some base, sordid, and avaritious men who adored their Mammon, de-
"terred men from that noble and pious work. They were then but Panick
"terrors, clouds cast before the Sun which now shines out so bright, as
F "all those mists are vanished. His Majesty calls to us for aid, he invites
"us to it, and he that was born to Command, now vouchsafes to en-
"treat us: Now if ever, now is the time to do our Country good. Do
"we desire to sweep all Grievances out of this Land? Do we desire to
"extinguish the care of them, that they may never more germinate in
"this Commonwealth? Do we desire to destroy those Spiders that spin

"this

An. 1623.

"this Net? Now if ever, now is the time to effect it. And to arive at "this bleſſing, methinks I diſcover a plain and eaſie way; let us pleaſe "the King firſt, and I ſpeak it with Faith, He will be gratiouſly pleaſed "to reward us: Prove rich Merchants, and make a brave return. Great "and generous ſpirits are then moſt apt to make requeſts, when firſt they "have obtained their own. In the Region of Kings, the way to conquer is "to ſubmit; and nothing more obligeth an honeſt heart to perform what "is expected, then to believe and truſt in him. A

"This is the way to make his Majeſty not onely love, but fall in love "with Parliaments: This is the way to recal them home from exile, and "again render them frequent amongſt us: This is the way to fix this, un- "til we have purchaſed preſent eaſe, and future happineſs to our Coun- "try. Let his Majeſty have hearts eaſe amongſt us, and we ſhall receive "from his Royal Hand that *Dictamnum* which muſt expel theſe Arrows "that hang in the ſides of the Commonwealth.

"Thus have I delivered my opinion, which if it be not the ſame B "with every one here preſent, I ſhall beg that favorable cenſure which "Charity commands me to afford to all. Let him believe, I have ſpoken "my Conſcience, as I ſhall of him, though he happen to diſſent from "my opinion: For from what Circumference ſoever the Lines be drawn, "the Center is the ſame, which is our Countreys good; at which, the "deſire of every man ought to aim, and the duty of every man ought to "deſire.

"He that would take another courſe, and have Grievances firſt pre- C "ferred; if he wiſhed that out of a good to his Countrey, as unwilling "to innovate antient proceedings; of this man I will onely ſay, *Optime "ſentit* Cato, *ſed nocet interdum Reipublicæ*: But if there be any other "who out of a corrupt and impoſthumate heart, looking to falſe and "foreign ends, would endeavor to put a Partition-Wall between the "King and his people, this man I dare pronounce neither good Subject, "nor good Engliſhman, nor good Chriſtian; but the Agent of baſe "and beggerly Promoters, needy and greedy Projectors, and a friend D "to thoſe Monſters, which I hope have no Generation; who not born "to any Fortune, nor having Vertue, nor Induſtry, by which they might "hope to obtain any, yet like Harpies greedy to devour other mens "Poſſeſſions, care not what way they take to become maſters of them, "ſleighting the latter day of Judgment, ſo they may reſt ſecured from "yielding any account in this World.

"I have no more to ſay, but that God would be pleaſed to incline "our hearts to do that which may be moſt for his glory, next for the E "Kings ſervice, then for the Countreys happineſs.

To the Doubts which the King propounded, the Parliament gave Solution by a Committee of both Houſes, in the Declaration following, delivered by the Archbiſhop of *Canterbury*, with this Introduction.

May it pleaſe your Sacred Majeſty, F

The Parliaments Anſwer to the Kings Speech.

WE are come to you again, from your moſt faithful Subjects and Loyal Servants, the Lords and Commons aſſembled in this preſent Parliament.

And firſt, We humbly let your Majeſty know, how much we hold our

21 Jacobi.

our ſelves bounden unto Almighty God, that he hath ſent a King to rule and reign over us; who is pleaſed in the greateſt and weighteſt cauſes, to ſpeak and to be ſpoken to in Parliament by his good and loving people, which cauſeth the King to underſtand them, over whom he beareth rule, and them again to underſtand him: And is a true Bond that tieth the heart of the Sovereign to the Subject, and of the Subject reciprocally to their Leige Lord and Sovereign. And next, we rejoyce
A that your Majeſty hath ſhewed your ſelf ſenſible of the inſincerity of the King of Spain, with whom of late you have had a double Treaty; and of the indignities offered by them unto your Bleſſed Son, the Prince, and to your Royal Daughter. And that your Kingly heart is filled with an earneſt deſire to make Reparation to her noble Conſort, and her ſelf, of the Palatinate their Patrimonial Poſſeſsion, which is agreeable to Juſtice, and to all Laws of God and Man.

For the effecting whereof, to certifie with what alacrity, with what
B expeditenels and uniformity of heart, both your Houſes of Parliament, in the name of your whole Kingdom, have borne themſelves unto your Majeſty, with offer to give their Royal aſsiſtance, we have digeſted it into writing; leſt by the verbal or vocal Delivery of any perſon, it may miſcarry; or the expreſsion of our Zeal, be weakned or diminiſhed. Which we humbly pray your Majeſty to give leave to be read unto you.

Moſt Gratious Sovereign,

C VVE your Majeſties moſt humble and Loyal Subjects, the Lords and Commons in this preſent Parliament aſſembled, Do firſt render to your Sacred Majeſty our moſt dutiful thanks, for that to our unſpeakable comfort, you have vouchſafed to expreſs your ſelf ſo well ſatisfied with our late Declaration made unto your Majeſty, of our general Reſolution, in purſuit of our humble Advice to aſsiſt your Majeſty in a Parliamentary way with our perſons and abilities.

The Parliament offers his Majeſty Three Subſidies and Three Fifteens, if he break off both Treaties.

D And whereas your Majeſty in your great Wiſdom and Judgment, foreſeeing that it will make a deeper Impreſsion both in the Enemies of that Cauſe, and in your Friends and Allies, if they ſhall not onely hear of the chearful Offers, but alſo ſee the real Performance of your Subjects towards ſo great a Work. Your Majeſty was pleaſed to deſcend to a particular Propoſition for the Advancing of this great buſineſs, We therefore in all humbleneſs, moſt ready and willing to give your Majeſty and the whole World, an ample Teſtimony of our ſincere
E and dutiful Intentions herein, Upon mature Advice and Deliberation, as well of the weight and importance of this great Affair, as of the preſent Eſtate of this your Kingdom (the Weal and Safety whereof is in our Judgments, apparently threatned, if your Majeſties Reſolution for the diſsolving of the Treaties now in queſtion, be longer deferred; and that Proviſion for defence of your Realm, and aid of your Friends and Allies, be not ſeaſonably made) have with a chearful conſent of all the Commons (no one Diſſenting) and with a full and chearful Conſent
F of the Lords, reſolved, That upon your Majeſties Publick Declaration, for the Diſsolution and utter Diſcharge of both the ſaid Treaties of the Marriage, and of the Palatinate, in purſuit of our Advice therein, and towards the ſupport of that War which is likely to enſue, and more particularly for thoſe Four Points propoſed by your Majeſty; namely, For the Defence of this your Realm; the ſecuring of Ireland;

the

An. 1623. the assistance of your Neighbors, the States of the United Provinces, and other your Majesties Friends and Allies, and for the setting forth of your Royal Navy, We will grant for the present the greatest Aid which ever was given in Parliament: That is to say, Three intire Subsidies, and three Fifteens, to be all paid within the compass of one whole year, after your Majesty shall be pleased to make the said Declaration, the Money to be paid into the hands and expended by the direction of such Committees or Commissioners, as hereafter shall be agreed upon at this present Session of Parliament. A

And we most humbly beseech your Majesty to accept of these first-fruits of our hearty Oblation, dedicated to that work which we infinitely desire, may prosper and be advanced. And for the future to rest confidently assured, That we your loyal and loving Subjects will never fail in a Parliamentary way to assist your Majesty in so Royal a design, wherein your own honor, and the honor of your most Noble Son, the Prince, the antient renown of this Nation, the welfare and very subsistence of your Noble and onely Daughter, and her Consort, and their Posterity, the safety of your own Kingdom, and People, and the prosperity of your Neighbors and Allies, are so deeply engaged. B

Herunto his Majesty replied.

My Lords and Gentlemen all, C

His Majesties Reply.

"I Have nothing to say to the Preamble of my Lord of *Canterbury*, but "that he intimated something in it which I cannot allow of: For "whereas he said I have shewed my self sensible of the insincerity of "those with whom I had lately to deal, and of the indignity offered to "my Children: In this you must give me leave to tell you, that I have "not expressed my self to be either sensible or insensible of the good or "bad dealing. It was *Buckinghams* Relation to you which touched upon it; D "by it you must not bar me, nor make *Jupiter* speak that which *Jupiter* "speaks not: For when I speak any such thing, I will speak it with that "reason, and back it with that power which becomes a King. As for the "matter of the Declaration unto my Demands, which you have couched "in that Paper, which I now heard read unto me, *I* confess it is without "example that any King hath had such an offer. And with your favor *I* "need fear nothing in this World, having so much the hearts of my peo- "ple. For the large offer of assistance, *I* hold it to be more then Millions E "of Subsidies; and indeed it is an ample reward for the trust and freedom "which *I* have used with you

"But my Lords and Gentlemen, you must give me leave on the one "side, to consider the possibility of the action: For in this case *I* must "do as a man that maketh a Fortification, which must have Out-works "and Inworks; so *I* must not deal onely with mine own people, but with "my Neighbors advice to assist me in so great a business for recovery of "the *Palatinate*. And in this case it is not sufficient to have the hearts of F "my Subjects, without the help of my Neighbors and Allies; on the "other side, unless particular means be set down, it will neither be a Bridle "to our Enemies, nor a comfort to my Friends, who shall joyn with me. "General words will not carry it, therefore *I* must resort to particular "means, and follow the Counsel of our Saviour Christ in the Gospel,

"before

"before *I* begin a War, to ſee how *I* can maintain it. God knows it is "a longſome work, yet *I* deſire with *Moſes*, as *I* ſaid before, but to ſee "the Land of Promiſe, though *I* live not till it be recovered. But unleſs "particular means be diſcovered, it is little to the point: Therefore ſince "you give me ſuch fair general promiſes, *I* will deal freely with you, *I* "will tell you in particular, the way *I* will propoſe, either by way of "Subſidies or otherwiſe; which being done in Parliament, is a Parliamen-
A "tary way. *I* would require you to be pleaſed to beſtow upon me Five "Subſidies and Two Fifteens to every Subſidy for the War: And for "mine own neceſſities, my crying debts are ſo heavy, that no man can "bear them with a greater grief of heart, and ſting of Conſcience, then *I* "have done and do. And *I* now growing old, would be glad to ſee a means "for the ſatisfying of my debts, before *I* go out of the World. And for "this end, I deſire you would give me one Subſidy and two Fifteens year-
B "ly, until my debts be paid.

Here the Prince his Highneſs taking notice of an Objection made, that this might ſeem contradictory to that which his Highneſs had told the Committee of both Houſes, That the Kings Majeſty would ask nothing for his own particular, till the Wars were provided for:

The Prince ſaid, That the Duke of *Buckingham* in his abſence hath moved this doubt unto the King.

Whereupon the Duke affirmed, That ſpeaking with the King about it, his Majeſty was pleaſed to ſay, If we would adde one Subſidy and two
C Fifteens to make it up Six Subſidies and Twelve Fifteens for the War, he was well content to quit that which he hath asked for his own neceſſities.

The King proceeded. "If this may be done, or that I may ſee a "fair way for it, I will follow your Advice; for I would never have asked "your Advice to reject it, or to put a ſcorn upon you: For the levying "of theſe Subſidies and Fifteens, I would have you conſider how to "clear theſe two difficulties. If you levy them too ſuddenly, it may be
D "heavy for the people; if you ſtay too long, it will not ſerve the turn. "But this I leave to your conſideration: And ſince I leave it to your ſelves "to receive the Money, and expend it by your own Committees of both "Houſes, you may be the more ſecure. And yet I would not have you "to be too haſty in the levying of it, that no extremity be ſhewed to my "people by impoſing too heavy a burthen upon them, which God forbid. "On the other ſide, the buſineſs will not ſuffer too long lingring about
E "it. I told you before, I had in this great buſineſs, to look to my Con-"ſcience and Honor, as well as to the Means. For the Means, I muſt "have it from you; my Conſcience and Honor is mine own, of which "I have thought, and do think daily. And how I ſhall be able to diſ-"charge them as a King ought to do, yet not without taking help of your "Advice, which I would never have moved, unleſs I had meant to fol-"low it.

Here again the Prince, ſaid he, had ſpoken with his Father, to know of him whether he were ſatisfied in Honor and Conſcience, that he might
F in this caſe undertake a War; and that his Majeſty anſwered, He was already ſatisfied and reſolved therein; but for the manner of publiſhing it, he would take your Advice.

Then the Duke of *Buckingham* ſaid, the reaſon why his Majeſty uſed theſe words, was, That having formerly ſpoken of his Honor and Conſcience, if he ſhould now have left them out, it might have been thought

An. 1624. that money onely had drawn him to it: But the King said, He was already satisfied, and resolved, yet would have your Advice for the manner of declaring of it.

The King again proceeded. "I told you before, that this was the "way to make me in love with Parliaments, and to shew mine inclination "to continue them still. My Resolution is to make this a Session for the "passing of as many good Laws, as in convenient time may be prepared; "and at *Michaelmas*, or within a few days after to have a new Session, and "another at the Spring. And in the mean time, you may go down and "acquaint your selves with the grievances of my people; and you shall "see my care to make good Laws, and to reform abuses; that so my Sub- "jects may finde the good fruits of Parliaments, and rejoyce in them. And "I protest, as I have asked your Advice in these Points, which I needed "not to have done; so I will never enter any Agreement or Treaty of "Composition for Peace, which is the end of War (else it is unjust and "unchristian) without your Advice; and I will help you my self, if we "enter into a War, to make it allowable to the World, and Honorable "for me.

The King declares his Resolution to dissolve the Treaties.

So the King resolved and declared his Resolution to dissolve the Treaties. Hereupon Bonfires were made in *London*, and the Bells rung for joy.

Then the Parliament made haste to pass the Act for the grant of three Subsidies, and three Fifteens, to be employed for the use aforesaid; and by the same Act, Treasurers were appointed to receive and disburse the Moneys, and a Council of War to manage the Design.

The King made the ensuing Declaration to both Houses of Parliament.

The King accepts the aid proffered him.

"MY Nobles and Gentlemen, the last time I spake to you anent this "great business, I told you what in my opinion was necessarily re- "quired to the beginning of it. The Reasons whereof you have truly set "down out of my last Speech, wherein I shewed you what good it would "do, and what harm it might free us from; to express particular Aids at "this time, as well as general Promises. It is true, I must confess that how "far you declare your selves, is sufficient for the present entrance into the "business, though a great deal short of what I told you it would require. "But as God bears me Record, and *I* think the hearts of all my loving "Subjects will testifie for me, *I* never did stick for Money, but onely de- "sired you to clear your selves by particulars, that *I* may see how *I* may "be able to go through so great a matter, at least to make a good begin- "ning of the War; for what the end will be, God knows.

"So on the other part, *I* gave you thanks for your general offer, by "which you did engage your selves in your Lives and Estates, which is "more then Forty Subsidies, if you had named them, and more worth "then a Kingdom; for the strength of a King, next under the protection "of God, stands in the hearts of his people. And *I* must needs say in this "particular, it is without example, that ever any Parliament for a begin- "ning, gave to a King so great a supply to be levied in so short a time: "This may well serve for a preparation. And for my part, first, con- "sidering your general offer, (which is ten times more to me then all "Subsidies) and next considering that these particulars coming from you, "be as much as at once you are able to pay in so short a time, being with- "in a year, and as much as may be well expected: Therefore with as "much love, and as great thanks, as a loving and kinde King can give

"to

"to so loving and dutiful a people. *I* thank you for your offer, and do "accept it. *Jacobi* 22

"I told you before, that I would never have craved your Advice to "reject it, and so to put a scorn upon you: Think me not the Man.

"It is true, I think no wise King can undertake so great a bargain, "but he must well be-think himself before-hand: And I account it bet-"ter that a King advise well before he take a Resolution, then advise A "rashly, and after repent. Therefore, my Lords and Gentlemen, I de-"clare unto you, That as I am willing to follow your Advice in the an-"nulling and breach of the two Treaties, both of the Match, and of the "*Palatinate*: so on the other part, I assure my self, you will make good "what you have said, That what you advise me unto, you will assist me "with your Wisdom, and Council, and Forces, if need require.

"I pray you have a charitable opinion of me, as you are to have of a "King who hath so long ruled and governed over you, (and I may vaunt B "my self thus far to have done it with Justice and Peace.) But, as I told "you before, all my forbearance hath been for sparing the effusion of "Christian Blood, and as the most easie and probable way for recovering "the *Palatinate* for my Children. It is true, I have been so long delayed, "and paid with generals, that I dare not trust longer unto that which "made me erre. The Duke of *Buckingham* made a particular relation "unto you, of all that business; and I am sure such an accompt was never "before given in Parliament, that thereby you may know what to trust C "to. I could in this case have resolved my self, but I thought it could "not but be both a strength and honor to me to have the Advice of my "people.

"My Lords, in the late Parliament I then declared it unto you, that "I was resolved without respect of Friendship, or Match, or whatsoever, "to have the *Palatinate* one way or other: I hope you remember it.

"God is my Judge and Saviour, I never had any other end, and it "is pitty I should live to have any other end; and for my part, except by D "such means as God may put into my hands, I may recover the *Palati-*"*nate*, I could wish never to have been born. I am old, but mine onely "Son is yong, and I will promise for my self and him both, that no "means shall be unused for the recovery of it; and this *I* dare say, as old "as *I* am, if it might do good to the business, *I* would go in mine own "person, and think my labor and travel well bestowed, though *I* should "end my days there. For if *I* should spare any means possible for the "recovery of it, then let me not be thought worthy to Reign over E "you; and in good faith, *I* never resolved to live with other minde; "and *I* will say more, there was never any Enemy of my Son-in-law, "with whom *I* talked on of the business, or any that *I* ever spake with "of the same; which did not say, and confess *I* had reason to have the "*Palatinate*, one way or other: And when they say that it is good reason, "and themselves allow it, it is a good spur to me to think on it.

"My Lords and Gentlemen, thus far assure your selves, *I* will go "chearfully about it, to prepare all things possible for it; and as you "have given the means, so will *I* employ them toward it. F

"In the next degree, I hope you will think of me, but that I leave "to your own Counsel and Consideration. But *I protest to God*, a penny "of this Money shall not be bestowed but upon this Work, and by your "own Committees; and I assure my self, you will think of me for a "double Reason. My Customs are likely to fall, by occasion of the

An. 1624.

"War, and my Charges increaſe; but undertaking the War, I muſt "go through with it one way or other, though I ſell my Jewels and "all.

"In the next Seſſion you will conſider how this hath been husbanded; "and according to that, think what is next to be done; and it will ſpur "you the more to enable me for the reſt, whereof I ſpake to you "before.

His Majeſty further ſaid, "I will clear you in ſome things; for I will A "not deal with you in any thing, but fairly and clearly as a King: Though "I have broken the *Necks three of Parliaments*, one after another, I hope "that in this Parliament you ſhall be ſo reſolved of the ſincerity of my "heart, and of your duties and affections, that this ſhall be a happy "Parliament, and make me greater and happier then any King of *Eng-* "*land* ever was.

"In my laſt Speech I promiſed you, that if I accepted your offer, I "would follow your Advice, and would not after hearken to any Treaty B "of Peace, without firſt acquainting you, and requiring your Advice; "and I likewiſe promiſed nothing ſhould be ſpent of your Moneys, but "by your own Committees. But I deſire you to underſtand, That I "muſt have a faithful ſecret Counſel of War, that muſt not be ordered "by a multitude, for ſo my deſigns may be diſcovered before hand; and "one penny of this Money ſhall not be beſtowed, but in ſight of your "own Committees. But whether I ſhall ſend Twenty thouſand pounds, "or Ten thouſand pounds; whether by Sea or Land, Eaſt or Weſt, by C "Diverſion, or otherwiſe by Invaſion upon the *Bavarian* or Emperor, you "muſt leave that to your King.

"Aſſure your ſelves, my delay hitherto was upon hope to have gotten "it without a War. I held it by a hair, hoping to have gotten it by a "Treaty; but ſince I ſee no certainty that way, I hope that God who "hath put it into your hearts thus to adviſe me, and into my heart to fol- "low your Advice, will ſo bleſs it, that I ſhall clear my Reputation from "obliquy, and in deſpight of the Devil, and all his Inſtruments, ſhew D "that I never had but an honeſt heart. And I deſire, that God would bleſs "our labors for the happy Reſtitution of my Children, and whoſoever did "the wrong, I deſerved better at their hands.

After this, the King purpoſing to ſignifie to the King of *Spain*, That his Parliament had adviſed him to break off the Treaties, and to re-cover the *Palatinate* by War: The notice of a ſharp *Petition* againſt Popiſh Recuſants framed by the Houſe of Commons, and ſent up to the E Lords for their Concurrence, did a little ſtagger his Reſolution, as appeareth by the following Letter written with his own hand to Secretary *Conway*.

King *James* his Letter to Secretary *Conway*, touching a Petition againſt the Papiſts.

I Doubt not but you have heard what a ſtinging Petition againſt the Papiſts, the Lower Houſe have ſent to the Higher Houſe this day, that they might joyntly preſent it unto me. Ye know my firm reſolution not to make this a War of Religion, and ſeeing I would be loth to be Coney-catch- F *ed by my people, I pray you ſtay the Poſt that is going to* Spain, *till I meet with my Son, who will be here to morrow morning: Do it upon pretext of ſome more Letters ye are to ſend by him, and if he ſhould be gone, haſten after him to ſtay him upon ſome ſuch pretext; and let none living know of this, as you love me.*

me. And before two in the afternoon to morrow, you ſhall without fail hear from me, Farewell. 22 *Jacobi.*

James R.

The Petition which the King called a ſtinging one, was intended to be preſented to his Majeſty from both Houſes in form as followeth.

May it pleaſe your moſt Excellent Majeſty,

WE your Majeſties moſt humble and Loyal Subjects, the Lords and Commons in this preſent Parliament aſſembled, having to our ſingular Comfort received your Princely Reſolution upon our humble Petition, to diſſolve the two Treaties of the Match, and of the Palatinate; and having on our parts with all alacrity and readineſs humbly offered our aſſiſtance to your Majeſty, to maintain the War which may enſue thereupon: Yet withal ſenſibly finding what Seditious and Traiterous Poſitions thoſe Incendiaries of Rome, and profeſſed Engines of Spain, the Prieſts and Jeſuites, infuſe into your natural born Subjects; what numbers they have ſeduced, and do daily ſeduce, to make their dependance on the Pope of Rome and King of Spain, contrary to their Allegiance to your Majeſty their Liege Lord; what daily reſort of Prieſts and Jeſuites into your Kingdoms; what Concourſe of Popiſh Recuſants, much more then uſual, is now in and about the City of London; what boldneſs, yea, what inſolency they have diſcovered out of the opinion conceived of their foreign Patronage; what publick reſort to Maſſes, and other Exerciſes of the Popiſh Religion, in the houſes of foreign Imbaſſadors there is daily, to the great grief and offence of your good Subjects; what great preparations are made in Spain, but for an Invaſion, the bent whereof is as probable to be upon ſome part of your Majeſties Dominions, as upon any other place; what encouragement that may be to your Enemies, and the Enemies of your Crown, to have a party, or but the opinion of a party within your Kingdoms, who do daily increaſe and combine themſelves together for that purpoſe; what diſheartening of your good and loving Subjects, when they ſhall ſee more cauſe of fear from their falſe-hearted Countreymen at home, then from their profeſſed Adverſaries abroad; what apparent dangers by Gods providence, and your Majeſties wiſdom and goodneſs they have very lately eſcaped, which the longer continuance upon thoſe Treaties, upon ſuch unfitting Conditions, fomented by your own ill-affected Subjects, would ſurely have drawn upon your Majeſty, and your State; Do in all humbleneſs offer unto your ſacred Majeſty theſe their humble Petitions following. The Petition.

I. That all Jeſuites and Seminary Prieſts, and all others, having taken Orders by any Authority derived from the See of Rome, may by your Majeſties Proclamation be commanded forthwith to depart out of this Realm, and all other your Highneſs's Dominions; and neither they, nor any other to return or come hither again, upon peril of the ſevereſt penalty of the Laws now in force againſt them; and that all your Majeſties Subjects may hereby alſo be admoniſhed not

to

An. 1623.

to receive, entertain, comfort or conceal any of that viperous brood, upon penalties and forfeitures which by the Lawes may be impoſed upon them.

II. That your Majeſty would be pleaſed to give ſtreight and ſpeedy charge to the Juſtices of Peace in all parts of this Kingdom, that (according to the Lawes in that behalf made, and the Orders taken by your Majeſties Privy-Councel heretofore for policy of State) they do take from all Popiſh Recuſants legally convicted, or juſtly ſuſpected; all ſuch Armor, Gunpowder, and Munition of any kinde, as any of them have either in their own hands, or in the hands of any other for them, and to ſee the ſame ſafely kept, and diſpoſed according to the Law, leaving for the neceſſary defence of their houſe and perſons, ſo much as by the Law is preſcribed.

III. That your Majeſty will pleaſe to command all Popiſh Recuſants, and all other who by any Law or Statute are prohibited to come to the Kings Court, forthwith under pain of your heavy diſpleaſure and ſevere Execution of your Lawes againſt them, to retire themſelves, their wives and families from or about London, to their ſeveral dwellings, or places by your Lawes appointed, and there to remain confined within five miles of their dwelling places, according to the Lawes of this your Realm: And for that purpoſe to diſcharge all By-paſt Licences granted unto them for their repair hither; And that they preſume not any time hereafter to repair to London, or within ten miles of London, or to the Kings Court, or to the Princes Court, whereſoever.

IV. That your Majeſty would forbid and reſtrain the great reſort and concourſe of your own Subjects, for the hearing of Maſſe, or other Exerciſes of the Romiſh Religion, to the houſes of forreign Ambaſſadors, or Agents, reſiding here for the ſervice of their ſeveral Princes or States.

V. That where of late in ſeveral Counties in this Realm ſome have been truſted in the places of Lord-Lieutenants, Deputy-Lieutenants, Commiſſioners of Oyer and Terminer, Juſtices of Peace, and Captains of their Countries, which are either Popiſh Recuſants, or Non-Communicants by the ſpace of a year now laſt paſt, or which do not uſually reſort to the Church to Divine ſervice, and can bring no good Certificate thereof; that your Majeſty would be pleaſed to diſcharge them from theſe places of truſt, by which they have that power in the Countrey where they live, as is not fit to be put into the hands of perſons ſo affected.

VI. That your Majeſty would be pleaſed generally to put the Lawes in due Execution, which are made, and ſtand in force againſt Popiſh Recuſants; And that all your Judges, Juſtices, and Miniſters of Juſtice, to whoſe care theſe things are committed, may by your Majeſties Proclamation be commanded to do their duty therein.

VII. That ſeeing we are thus happily delivered from that danger which theſe Treaties now diſſolved, and that uſe which your ill-affected Subjects made thereof, would certainly have drawn upon us; and cannot but foreſee and fear leaſt the like may hereafter happen, and unavoidably bring ſuch peril to your Majeſties Kingdoms: We are moſt humble Suitors to your gracious Majeſty, to ſecure the hearts

hearts of your good Subiects by the engagement of your Royal word unto them; that upon no occasion of Marriage or Treaty, or other request in that behalf from any forreign Prince or States whatsoever, you will take off, or slacken the Execution of your Laws against the Popish Recusants. 22 Jacobi.

To which our humble Petitions, proceeding from our most loyal and dutifull affections toward your Majesty, our care of our Countries good, and our confident perswasion that this will much advance the glory of Almighty God, the everlasting honor of your Majesty, the safety of your Kingdom, and the encouragement of all your good Subiects: We do most humbly beseech your Majesty to vouchsafe a gracious Answer.

This Petition, after a Conference between both Houses, was reduced to another form, and so presented to the King.

To which his Majesty returned this Answer.

My Lords and Gentlemen of both Houses,

His Majesties Answer to the Petition.

"I Cannot but commend your *zeal* in offering this Petition to me, yet "on the other side, I cannot but hold my self unfortunate, that *I* should "be thought to need a spur to do that which my *Conscience* and duty "bindes me unto. What Religion *I* am of, my Books do declare, my "profession and behavior doth shew; and *I* hope in God I shall never live "to be thought otherwise; surely *I* shall never deserve it; and for my part, "*I* wish it may be written in *Marble*, and remain to Posterity as a mark "upon me, when *I* shall swerve from my *Religion*; for he that doth *dissemble* with *God, is not to be trusted* with men.

"My Lords, for my part, *I protest* before *God*, that my heart hath "bled when *I* have heard of the increase of *Popery*; *God* is my *Judge* it "hath been such a great grief to me, that it hath been as Thorns in my "Eyes, and Pricks in my Sides; and so far *I* have been, and shall be from "turning another way. And my Lords and Gentlemen, you shall be my "*Confessors*, that one way or other it hath been my desire to hinder the "growth of *Popery*; and *I* could not be an honest man if *I* should have "done otherwise. And this *I* may say further, that if *I* be not a *Martyr*, "*I* am sure *I* am a *Confessor*; and in some sence *I* may be called a Martyr, "as in the Scripture *Isaac* was persecuted by *Ishmael* by mocking words: "for never King suffered more ill *Tongues* then *I* have done, and *I* am sure "for no cause; yet *I* have been far from persecution; for *I* have ever "thought that no way more encreased any Religion then persecution, ac- "cording to that saying, *Sanguis Martyrum est Semen Ecclesiæ*.

"Now my Lords and Gentlemen, for your Petition, *I* will not "onely grant the substance of what you crave, but add somewhat more "of my own; for the two Treaties being already annulled (as *I* have "declared them to be) it necessarily follows of it self, that which you "desire, and therefore it needs no more; But that *I* do declare by "*Proclamation* (which *I* am ready to do) that all *Jesuites* and *Priests* do "depart by a day; but it cannot be as you desire by our Proclamation "to be out of all my Dominions; for a Proclamation here extends but "to this Kingdom.

"This *I* will do and more, *I* will Command all my *Judges* when they go their

An. 1624.

"their Circuits, to keep the ſame courſes, for putting all the Laws in "Execution againſt *Recuſants*, as they were wont to do before theſe "Treaties; for the Laws are ſtill in force, and were never *diſpenced* with "by me: *God* is my *Judge* they were never ſo intended by me; but as *I* "told you in the beginning of the Parliament, you muſt give me leave "as a good horſeman, ſometimes to uſe the *Reins*, and not alwayes "to uſe the *Spurs*: So now there needs nothing but my Declaration for "the *diſarming* of them, that is ready done by the Laws, and ſhall be A "done as you deſired: and more, *I* will take order for the ſhamefull diſ- "order of the reſorting of my Subjects to all foreign Ambaſſadors; for "this *I* will adviſe with my Councel how it may be beſt reformed. It is "true, that the houſes of Ambaſſadors are priviledged places; and {*Major* "though they cannot take them out of their houſes, yet the {Lord "and Mr *Recorder* of *London*, may take ſome of them as they come "from thence, and make them examples; another point *I* will add con- "cerning the education of their children, of which *I* have had a prin- B "cipal care, as the Lord of *Canterbury*, and the Biſhop of *Wincheſter*, "and other Lords of my Councel can bear me witneſs, with whom *I* "have adviſed about this buſineſs; for in *good faith* it is a ſhame their "Children ſhould be bred here, as if they were at *Rome*. So *I* do grant "not onely your deſire, but more. *I* am ſorry *I* was not the firſt "mover of it to you, but had you not done it, *I* would have done it "my ſelf.

"Now for the ſecond part of your Petition, you have here given me C "the beſt advice in the world; for it is againſt the rule of wiſdom that a "King ſhould ſuffer any of his Subjects to tranſgreſs the Laws by the "*interceſſion* of other *Princes*: and therefore aſſure your ſelves that (by "the *Grace* of *God*) *I* will be carefull that no ſuch conditions be foiſted "in upon any other Treaty whatſoever; for it is fit my Subjects ſhould "ſtand or fall to their own Laws.

This Petition was furthered by the Duke of *Buckingham*, who ſtill D retained the memory of his ill-uſage in *Spain*, and the Spaniſh Ambaſſador being netled thereat, accuſed him to the King, not without ſome reflection upon the Prince himſelf; with ſome difficulty they procured a ſecret entercourſe with the King, and ſuggeſted unto him matters of near and high concernment to his Royal dignity and perſon. They tell him, that being beſieged, and cloſed up by the Dukes Servants and Vaſſals, he was no more a freeman: That he was to be confined to his Countrey-houſe and Paſtimes, the Prince having years and parts anſwerable for publick Government. That the Duke had reconciled himſelf to all popular men, ſuch as *Oxford*, *Southampton*, *Eſſex*, *Say*, and others, and ſought to raiſe an opinion of his own greatneſs, and to make the King grow leſs; and that all looked towards the *riſing Sun*. Hereupon they adviſe the King to free himſelf from this Captivity, and eminent Danger, and to cut off ſo ungratefull an affecter of Popularity, and greatneſs, and ſo he ſhould ſhew himſelf to be as he was reputed, the *oldeſt and wiſeſt King in Europe*. F

The Spaniſh Ambaſſadors accuſe *Buckingham* to the King of matters of high concernment.

Theſe ſecrets were quickly blown abroad, and brought to the Dukes Ear. But whatſoever impreſſion the King received from them, the thing whereupon he inſiſted openly, was, the demand of particular proofs. But all their Anſwers conſiſted of Arguments againſt declaring the names of the Conſpirators; whereupon the Kings Privy-Counſellors,

22 Jacobi.

ſellors, and other principal Subjects were examined upon oaths, and Interrogatories moſt pertinent to the Accuſation were propounded to them; but this examination diſcovered nothing. The King turned again to the Ambaſſadors with new inſtances to make a clear diſcovery, but they ſtill reſolved to conceal the Authors.

And it was alledged by their Partakers, and intimated to the King, that the things were ſuch as could not be evidenced by Legal proofs, becauſe the perſons by whoſe teſtimony they may be confirmed, do for fear of a moſt potent Adverſary withdraw themſelves, and the Ambaſſadors never had the freedom perſonally to ſpeak to his Majeſty in the abſence of the Duke of *Buckingham*; an example (ſay they) unuſual with other Kings, and never to be taken well, except when the King is weak in judgement, and wants experience, and a man wiſe and circumſpect ſupplies his place. But here (ſaid the Ambaſſador,) is a *prudent* King, and a *Favorite* young, raſh, and heady, whoſe continual preſence did argue guilt and fear; and his Majeſties moſt faithfull Servants dare not ſo much as diſcloſe their minds. Moreover they ſuggeſt that the buſineſs of the *Palatinate* was by him taken out of the hands of the Kings Council, and referred to the Parliament; that he did arrogate to himſelf the thanks of all things acceptable, and was ſtiled the Redeemer of his Country; and he would have it believed, that he hath a dominion over the Kings and Princes will. And things ſtanding thus, though many may be found that will ſpeak againſt the King, yet none will appear to ſpeak againſt the Duke: For which cauſes theſe cloſe Informers beſought his Majeſty to free his Vaſſals from fear and diffidence, who otherwiſe will dare diſcover nothing for his preſervation.

The iſſue of thoſe Accuſations.

But theſe dark Intelligences had no other iſſue, then the moving of King *James* to repreſent to the King of *Spain* the miſcarriages of his Ambaſſadors, remitting the cauſe unto him, with a demand of Juſtice and reparation, for that the Information was ſufficient to put impreſſions in him of perpetual jealouſies of the Duke. Hereupon when the Ambaſſadors were returned home, they ſuffered a few dayes confinement, but were afterwards rather rewarded and further imployed: For in the Court of *Spain*, *Buckinghams* name was odious, and the Princes honor of little value, and the Kings reputation at a low ebb: divers particular Enmities were already begun between the Subjects of both Crowns, the Engliſh Merchants were oppreſſed in the Spaniſh Ports.

The Earl of *Briſtol* proteſts againſt the Dukes Narration, is impriſoned in the Tower.

Notwithſtanding the Dukes vaſt power and popularity, the Earl of *Briſtol* refuſed to bow before him. The Earl, though his charge were heavy, and his Cauſe ſtrongly prejudiced, did not abandon his own defence, but proteſted againſt the Dukes *Narration* of the Spaniſh Affairs, and was committed to the *Tower*, being not admitted into the Kings preſence, nor to plead his Cauſe before him. He was to the Duke a ſtout and dangerous Enemy; inſomuch, that he was ſaid to violate the rules of the prudent *Mariner*, who in a Storm and foul weather, is accuſtomed rather to pull down, then to hoiſe up Sailes.

Saturday the 29 of *May*, the King being come to the Houſe of *Peers*, and his Majeſty and the Lords in their Robes, Sir *Thomas Crew* Speaker, being come to the Bar, and the Commons preſent, he made this Speech.

An. 1624.

The *Speakers* and the *Kings* Speech at the Adjournment of the Parliament.

"THat God to his own great glory had brought this Session of the "Parliament so happily begun, to so happy an end, that both Houses "and every particular Member thereof had given their willing "assent even with *one voice*, unto the *Advice* which his Majesty "was pleased so low to descend as to demand of them. As there was "not an hammer heard in the building of the *House of God*, so in this "great Business there was not a *Negative voice*, nor any jarring among "them: But their time was wholly spent in the business of Parliament, "in which they had prepared many Bills profitable for the Common-"wealth, and shewed the several natures of those Bills: some for the "service of God, and restraint of *Recusants*; some to redress the Enor-"mities of the Commonwealth; others of his Majesties grace and bounty "to his people; and some concerning the Prince's Highness touching "his own Lands, and others to settle strife in particular Estates; all "which do wait for and humbly desire his Majesties Royal assent.

"He shewed also what great joy they all received for the Dissolution "of the two *Treaties* with *Spain*; and that Commissioners are required "to see the Edicts performed against *Recusants* and *Jesuites*, the Locusts "of *Rome*, wherein will consist his Majesties chiefest safety. And they do "render him humble thanks for their antient *Priviledges*, which they fully "enjoyed this Parliament, and their so often access unto his Majesties pre-"sence; and more especially for his Majesties general, large, liberal and "free *Pardon*, shewing the benefit thereof, and reciting the particulars. "He also presented the Bill of Three entire *Subsidies*, and Three *Fifteens* "and *Tenths* granted this *Session*, and declared the cheerfulness of the "grant thereof. And making his earnest prayers unto Almighty God "to direct his Majesties heart to make his own *Sword* his *Sheriff* to put "his Son-in-law in possession of his *Palatinate*, the antient Inheritance of "his Royal Grandchildren, he ended, humbly craving pardon for himself "and his own errors committed this Session.

"Unto which his Majesty presently made answer, beginning with "the last of the *Speakers* Speech touching their *Freedom*, which he pro-"mised to continue unto them in as large a manner as ever they enjoyed "the same. And for the Restitution of his Son-in-law, protested his con-"tinual care thereof, and his great grief if he should not see an assured "hope before he died; and vowed that all the *Subsidies*, for which he "heartily thanked them, though it had not been so tied and limited, "should have been bestowed that way. His Majesty remembred them, "that nothing was given to relieve his own wants; which he expecteth "at the next *Session* the beginning of Winter. He acknowledged the "obedience and good respect of the *Commons* in all things this Parliament, "for which (as he was pleased to say) he thanks them heartily and with-"out complement, and if they please to continue the same at their next "meeting, it will make this the happiest Parliament that ever was.

"His Majesty spake also of the *Grievances* presented unto him yester-"day by the *Commons* at *Whitehall*, promising them a full Answer at their "next meeting. That he had looked over them, and was glad they were "of no greater importance. His Majesty remembred the House to handle "*Grievances* at their next meeting, and to *hunt* after none, nor to present "any but those of *importance*: He promised to go over them all, and to give "a free answer, such as should be good for his People, not respecting any

"Creature

Jacobi 22.

"Creature whatsoever, and that he will advise herein with his Council and "Judges. At this time his Majesty said, he would shew them his grie-"vances; first, that they grieve at the Reformation of Building about "*London* with Brick, which he intendeth onely for the Beauty and "more safety of the City, therefore he will go through with it; and "if the Commissioners offend herein, let the party aggrieved complain, "and he will redress it: that the form of proceedings used by the Com-A "mons in this Parliament is also a grievance unto his Majesty, for that "they did not call the Commissioners, whom they complained of, be-"fore them, touching their complaint against Doctor *Aynan*; his Ma-"jesty said their oath of Supremacy forbids them to meddle with Church "matters: besides they complain against him, and never heard him "Touching their complaint against the *Apothecaries*, his Majesty pro-"tested his care therein to be onely for his peoples health; it is dangerous "for every one to meddle with Apothecaries ware, and the Grocers have B "a Trade beside.

"His fourth grievance is, that Seditious Books are so frequently "printed, which he will be carefull to prevent hereafter.

"Fifthly, for calling in so many Patents, appointing the Patentees "to wait so many days with their Council, and never to hear them; where-"fore his Majesty warned them to call for no more hereafter, unless they "first knew them to be grievous to the people; and so his Majesty con-"cluded with thanks for the Commons good carriage towards him and C "his Lords this Session.

Then the Lord Keeper spake to the particulars of the Speakers Speech, and by his Majesties command approved them all, alluding the general consent of both Houses to the *Septuagint* directed by the Holy Ghost; and touching the Speakers desire for the Kings assent to the Bills past both Houses, he said the royal assent is proper to the Lawgiver; and shewed, that it is best for the people; that this is in his Majesties power, and not in themselves; for the King knoweth what is best to be granted D unto his people, as may appear by the Petition that *Bathsheba* made to King *Solomon*, to give unto *Adonijah Abishag* to wife, which had *Solomon* granted, he had given *Adonijah* means to usurp the Kingdom, contrary to *Bathsheba*'s meaning; and such is his Majesties intent this day for such Bills which he will not pass. That his Majesty had given his consent to all the Bills of Grace, and to the Bill of the continuance of some Sta-tutes, and repeal of others, so necessary, and for the good of the peo-ple. That his Majesty accepteth in good part their thanks for his general E Pardon which he hath so freely granted unto his Subjects; but his special command is that those that are in Office, do look strictly to the execution of Laws against Recusants; the Subsidies his Majesties graciously accepteth, and therefore imitates not the Story in *Macrobius* of one who had all his debts paid, and instead of thanks answered, *nihi nihil*; though this be given to the *Palatinate*, his Majesty interpreteth it as given to him-self, and rendreth to you all hearty thanks for the same.

The Lord Keeper having ended his Speech, the Clerk of the Crown F stood up, and read the title of the Bills passed both Houses; and the Clerk of the Parliament read his Majesties Answer to each Bill, which being done, his Majesty remembred the breaking up of three Parliaments together, and the happy conclusion of this Session, and puts the Commons again in minde, that at their next meeting they do so carry themselves that this Parliament may be as happily continued to the end.

An. 1624.

At the Parliament holden at *Weſtminſter* by Prorogation, the Nineteenth day of *February*, *Anno Regis Jacobi Angliæ, Franciæ & Hiberniæ viceſimo primo, & Scotiæ quinquageſimo ſeptimo*, Theſe Acts were paſſed.

1. AN Act for making perpetual an Act made *Anno* 39 *Eliz.* Entituled, *An Act for the Erecting of Hoſpitals and Workhouſes for the Poor.*

2. An Act for the quiet of the Subject againſt Concealments.

3. An Act concerning Monopolies, and Diſpenſations with Penal Laws.

4. An Act for eaſe of the Subjects concerning Informations upon Penal Statutes.

5. An Act, That Sheriffs, their Heirs &c. having a *Quietus eſt*, ſhall be diſcharged of their Accompts, with the Judges opinion therein.

6. An Act concerning Women convicted of ſmall Felonies.

7. An Act to repreſs Drunkenneſs, and to reſtrain the haunting of Inns, &c.

8. An Act to puniſh Abuſes in procuring *Superſedeas* of the Peace out of the Courts at *Weſtminſter*, and to prevent the Abuſes in procuring Writs of *Certiorari* out of the ſaid Courts, &c.

9. An Act for the Free Trade of Welſh Clothes, &c. in *England* and *Wales*.

10. An Act to repeal a Branch of the Statute *An.* 34 *H.* 8. Entituled *An Act for certain Ordinances in the Kings Dominions, and Principality of Wales.*

11. An Act for Confirmation of a Judgment given for his Majeſty in a *Scire facias* againſt *Henry Heron*, and for Declaration of the Letters Patents therein mentioned to be void.

12. An Act to make perpetual the Act for eaſe in pleading againſt troubleſom Suits proſecuted againſt Juſtices of the Peace, Mayors, &c.

13. An Act for the further reformation of Jeofails.

14. An Act to admit the Subject to plead the General Iſſue in *Informations of Intruſion* brought on the Kings behalf, and to retain his Poſſeſſion till Trial.

15. An Act to enable Judges and Juſtices to give reſtitution of Poſſeſſion in certain caſes.

16. An Act for Limitation of Actions, and for avoiding of Suits in Law.

17. An Act againſt Uſury.

18. An Act for the Continuance of a former Statute made 4° *Jac.* Entituled, *An Act for the true making of Woollen Clothes.*

19. An Act for the further Deſcription of a Bankrupt, and relief of Creditors againſt ſuch as ſhall become Bankrupts, and for inflicting of Corporal puniſhment upon them in ſome Caſes.

20. An Act to prevent Swearing and Curſing.

21. An Act concerning Hoſtlers and Inholders.

22. An

22. An Act explaining a Statute *Anno* 3, 4, & 5 *E.* 6. concerning the Traders of Butter and Cheese. *Facchi* 22.

23. An Act to avoid Delaies by removing of Actions out of Inferior Courts.

24. An Act for relief of Creditors against such as die in Execution.

25. An Act for relief of Patentees, Tenants and Farmers of Crown-Lands and Duchy-Lands.

26. An Act against such as shall levy any Fine, suffer any Recovery, knowledge any Statute, Recognisance, Bail or Judgment in the name of any person not privy thereunto.

27. An Act to prevent the murthering of Bastard-children.

28. An Act to continue divers Statutes, and repeal others.

29. An Act to enable Prince *Charls* to make Leases of Lands parcel of the Duchy of *Cornwal*, or annexed to the same.

30. An Act to assure *York*-House and other Lands to the King, and to assure the Manors of *Brighton*, *Sunton*, and other Lands to the Archbishop of *York*, &c.

31. An Act for the good Government of the Makers of Knives in *Hallam-shire* in the County of *York*.

32. An Act to make the *Thames* Navigable from *Bercot* to *Oxon*.

33. An Act for the Subsidies of the Clergy.

34. An Act for Three Subsidies, Three Fifteens and Tenths granted by the Temporalty, with the Judges opinions.

35. An Act for the Kings General Pardon.

Private Acts.

36. An Act for the Confirmation of *Wadham*-Colledge in *Oxon*, and the Possessions thereof.

37. An Act for the Naturalizing of *Philip Burlemacchi*.

38. An Act for the Naturalizing of *Giles Vandeput*.

39. An Act to enable *William* Earl of *Hereford*, and Sir *Francis Seymor* Knight, to sell Lands for the paiments of Debts, and establishing other Lands.

40. An Act for the Naturalizing of Sir *Robert Anstrother*, Sir *George Abercromy* Knights, and *John Craggs* Doctor of Physick.

41. An Act to confirm the Copiholders Estates of *Stepney* and *Hackney*, according to a Decree in *Chancery* between the Lord of the Manor and the said Copiholders.

42. An Act to confirm an assurance of Lands sold by Sir *Thomas Beaumont* Knight and his wife, to Sir *Thomas Cheef* Knight.

43. An Act to erect a Free-school and Alms-house, and House of Correction in *Lincolnshire*.

44. An Act to enable *Martin Calthorp* to sell Lands for preferment of younger Children, and paiment of Debts.

45. An Act for selling the Manor of *Gunnerston* and other Lands of Sir *Edward Ingram* Knight.

46. An Act to enable Dame *Alice Dudley* wife of Sir *Robert Dudley* Knight, to assure the Manor of *Killingworth* and other Lands to Prince *Charls*.

47. An Act to confirm an Exchange of Lands between Prince *Charls* and Sir *Lewis Watson* Knight and Baronet.

48. An Act for the selling of the Lands of *Anthony* Vicount *Montague*, for paiment of his Debts and raising of Portions.

49. An

An. 1624

49. An Act to enable Sir *Richard Lumley* Knight to ſell Lands for the paiment of his Debts and preferment of Children.

50. An Act to confirm a Decree in *Chancery* made by the conſent of the Lord of *Painſwick* in *Com. Glouc.* and his Cuſtomary Tenants there.

51. An Act for the Naturalization of Sir *Francis Steward* Knight, *Walter Steward*, *James Maxwell*, *William Car*, and *James Levingſton*, Eſquires.

52. An Act for the Naturalization of *John Young* Doctor of Divinity.

53. An Act for the Naturalizing of *Jane Murrey* Widow, and *William Murrey* Eſquire.

54. An Act to make good a Conveyance of *Little Marden* made from Sir *Peter Vanlore* Knight, and Sir *Charls Cæſar* Knight, unto *Edmond Woodhall* Eſquire and his heirs.

55. An Act to enable *Vincent Low* to ſell Lands for paiment of his Debts.

56. An Act to enable *Toby Palpvicine* to ſell Lands for the paiment of Debts and preferment of Children.

57. An Act for Naturalizing of Sir *Robert Car* Knight.

58. An Act to confirm the Manor of *New-Langport* and *Seavans*, and other Lands late being the Inheritance of Sir *Henry James* Knight in a *Premunire* convicted, unto *Martin Lumley* Lord Mayor of *London*, *Alice Woodriff* widow, and *Edward Cropley*, &c.

59. An Act for Naturalizing of Sir *Stephen Leiſure*.

60. An Act for Naturalizing of *James* Marquis of *Hamilton*.

61. An Act for Naturalizing of Sir *William Anſtruther* Knight, Doctor *Balcanqual*, and *Patrick Abercromy*.

62. An Act to confirm the Sale of Lands made by Sir *Edward Heron* Knight unto *Bevel Mouſworth* Eſquire, and to enable the ſaid Sir *Edward* to ſell other Lands for paiment of Debts, and to ſettle other Lands upon *Robert* and *Edward Heron*.

63. An Act for the Naturalizing of *Abigal Little*, and *William Little* her ſon.

64. An Act for the eſtabliſhing of Lands upon *John Mohun* Eſquire ſon of Sir *Rowland Mohun* Knight and Baronet, according to the Agreements made between them.

65. An Act to enable *Edward Alcock* to ſell the Manor of *Rampton* and other Lands.

66. An Act to explain a Statute made *Anno* 13 *Eliz.* for aſſuring of Eighty two pounds ten ſhillings *per annum* to the Biſhop of *Coventry* and *Lichfield* for ever, out of Manors and Lands thereby aſſured to *Edmund Fiſher* and his heirs.

67. An Act for the eſtabliſhing of Three Lectures in Divinity, according to the Will of *Thomas Wettenhall* Eſquire.

68. An Act for the repairing of the River running to *Colcheſter*, and paving of the Town there.

69. An Act to enable *Francis Clark* Knight to ſell Lands for the paiment of Debts and raiſing of Portions.

70. An Act for altering of Gavelkind Lands, being late the Lands of *Thomas Potter* Eſquire, Sir *George Rivers* Knight, and Sir *John Rivers* Baronet, and to ſettle the Inheritance of them upon Sir *John Rivers* and his heirs.

71. An

71. An Act to make the Lands of *Thomas* Earl of *Middlesex* subject to the paiment of his Debts. *Jacobi* 21.

72. An Act for the Sale of the Manor of *Abbots-Hall*, late the Possessions of Sir *James Pointz* deceased, that the Monies thereby raised may be distributed amongst his Creditors according to his Last Will.

73. An Act for the Naturalizing of *Elizabeth Vere* and *Mary Vere*, the Daughters of Sir *Horatio Vere* Knight.

This Summer, Four Regiments of Foot were raised for the service of the *United Provinces*, to be imployed against the Emperor, under the Command of four Noble Colonels, the Earls of *Oxford*, *Essex*, and *Southampton*, and the Lord *Willoughby*.

The Town of *Frankendal* having been sequestred into the hands of the Archduchess *Isabella Clara Eugenia* Infanta of *Spain*, for the term of Eighteen moneths, and that time now growing to an end, being to expire about the middle of *October* next; The King commanded those Lords and others that were Commissioners in that Treaty between his Majesty and the Archduchess, to assemble and deliberate what was fit to be done concerning the remanding, receiving, and ordering of that Town. The Commissioners unanimously were of opinion, That it was fit for his Majesty both in Honor and Interest to remand it, and according to the Capitulation to place therein a Garrison of Fifteen hundred Foot and Two hundred Horse, with sufficient Victuals for six moneths, and a sufficient quantity of all Munition: The *Infanta* having accorded in the Treaty to give them a passage through the King of *Spain's* Low-Countries; The King approved and resolved to follow the Advice, and gave Order to the Council of War to consider and discuss the manner of demanding the Town, and the way and means of raising the men, and conducting them thither, and of maintaining and supplying the Garrison with Munition and all things necessary.

Kings *James* demands the Town of *Frankendal* deposited in the Archduchess hands.

On the day that *Frankendal* was to be redelivered, *Spinola* with his Forces marcheth out of the Town, and finding none of the King of *Great Britains* Forces ready to enter it, instantly re-enters and takes possession, pulls down the King of *England's* Arms, and sets up the King of *Spain's*. Yet did the Noble *Spaniard* leave standing the Monument of two Brothers, fighting and stout Enemies of theirs, in opposition of whose valor the *Spaniard* had gained much honor, but overcame them at last. The Monument is standing in the Dutch Church in *Frankendal* upon a fair Tomb, with this Inscription,

Spinola marches out of the Town, and immediately Re-enters.

In beatissimam memoriam Dom. Generosi Gulielmi Fairfax *Anglo-Britanni, Honoratissimi Domini* Thomæ Fairfax *de Denton in Com. Ebor. Equitis Aurati filii, Cohortis Anglicani Ducis insignis; Qui annus natus circiter* XXVI. *post animi plurima edita testimonia invictissimi, una cum* Joanne *fratre suo juniore, in obsidione Francovalenti, hic facta eruptione arreptus, ille ictu bombardæ percussus, occubuere. Anno* M.DC.XXI.

This

An. 1624.

This Monument was erected by the Town of *Frankendal*, in memory of those two Brothers, who were Uncles to that Valiant, Victorious, and Self-denying General, *THOMAS* Lord *FAIRFAX*, late Commander in Chief of the *Parliaments* Armies in *England*.

King *James* very desirous of a Match with *France*.

In *France*, the Marriage-Treaty was not so fair, smooth and plausible in the progress, as in the entrance. King *James*, admiring the Alliance of mighty Kings, though of a Contrary Religion, as also fearing the disgrace of another Breach, desired the Match unmeasurably; which the *French* well perceived, and abated of their forwardness, and enlarged their Demands in favor of *Papists* (as the *Spaniards* had done before them) and strained the King to the Concession of such Immunities, as he had promised to his Parliament, that he would never grant upon the mediation of Forein Princes.

The Cardinal *Richlieu* being in the infancie of his favor, and appointed to the managing of the Treaty, assured the Catholicks of *Great Britain*, that the most Christian King remembring that he was born and raised up no less for the propagation of the Catholick Cause, then for the enlarging of his own Dominions, was resolved to obtain honorable Terms for Religion, or never to conclude the Match: And for his own part, such was his compassion towards them, that if he might work their deliverance, or better their condition, not only with Counsel, interest and authority, but with his life and blood, he would gladly do it.

The Match with *France* concluded.

However, this Treaty held fewer moneths, then the years that were spent in that of *Spain*. Indeed, the Motion from *England* had a braver expression, seeing a Wife was here considered as the only object of the Treaty; whereas that of *Spain* was accompanied with a further expectation, to wit, the rendring of the *Palatinate* to King *James* his children. In *August* the Match was concluded, and in *November* the Articles were sworne unto by King *James*, Prince *Charls*, and the French King. The Articles concerning Religion were not much short of those for the Spanish Match. The Conclusion of the Treaty was seconded in *France* with many outward expressions of Joy, as Bonfires and the like: Whereupon the Privy-Council sent to the Lord Mayor of *London*, requiring the like to be done here.

Count *Mansfield* arrives in *England*; 12000 Foot and 200 horse raised to go under his command.

This year Count *Mansfield* arrived in *England*, whose reception was splendid and honorable: He was entertained in the Prince his House in S. *James's*, and served in great state by some of the Kings Officers. A Press went through the Kingdom for the raising of Twelve thousand Foot, with two Troops of Horse, to go under his Command for the Recovery of the *Palatinate*. These Forces were intended to pass through *France* into *Germany*, the *French* having promised as well an Addition of Strength, as a free passage.

In the mean while there were those that secretly sollicited the King to return into the way of *Spain*, and raised suspitions of *Mansfields* Enterprise, saying he was the *Palsgraves* Scout and Spy; And if the *Puritans* desired a Kingdom, they did not wish it to the most illustrious Prince *Charls*, his Majesties best and true Heir, but to the *Palatine*. That it was the *Dukes* Plot, and the *Parliaments* Fury, to begin a War with *Spain*; but it will be the glory of his Majesties blessed Reign, that after many most happy years, that Motto of his *(Blessed be the Peace-makers)* might even to the last be verified of him in the letter, and be propounded for imitation to the most illustrious Prince, and that the experience of his happy Government should carry the Prince in a connatural motion to the same Counsels of Peace.

And

Jacobi 22.

And at the same time, the more circumspect party in the Spanish Court, held it fit to continue the state of things in a possibility of an Accommodation with the King of *Great Britain*, and *Gondomar* was coming again for *England* to procure a Peace; notwithstanding the Duke of *Bavaria* used all diligence, to combine himself with that Crown, offering to depend wholly thereon, so that he may be thereby protected in his new acquired Dignity. But in these Motions the Elector of *Saxony* with many Reasons, advised the Emperor to apply himself to the setling of a Peace in *Germany*, and with much instance besought him not to destroy that antient House of the *Palatinate*.

Count *Mansfield* was at this time in *England*, and the Forces raised in the several parts of the Kingdom for the recovery of the *Palatinate*, were put under his Command; and Marching to their Rendezvous at *Dover*, committed great Spoils and Rapines in their passage through the Counties. At that Rendezvous the Colonels and Captains were assigned to receive their several Regiments and Companies from the Conductors employed by those several Counties where the Men were raised.

A List of some of the Regiments of Foot designed for that Expedition.

I.

EArl of *Lincoln*, Colonel.
Lieut. Col. *Allen.*
Serjeant Major *Bonithon.*
Sir *Edward Fleetwood.*
Captain *Wirley.*
Capt. *Reynolds.*
Capt. *Babbington.*
Sir *Matthew Carey.*
Capt. *Barlee.*
Capt. *Cromwel.*

II.

Viscount *Doncaster*, Colonel.
Sir *James Ramsey*, Lieut. Colonel.
Alexander Hamilton, Serjeant Major
Capt. *Archibald Duglas.*
Capt. *Zouch.*
Capt. *John Duglas.*
Capt. *Pell.*
Capt. *William Duglas.*
Capt. *George Kellwood.*
Capt. *Andrew Heatly.*

III.

Lord *Cromwel*, Colonel.
Lieut. Col. *Dutton.*
Serjeant Major *Gibson.*
Capt. *Basset.*
Capt. *Lane.*
Capt. *Vincent Wright.*
Capt. *Fenner.*
Capt. *Vaughan.*
Capt. *Owseley.*
Capt. *Crane.*

IV.

Sir *Charles Rich*, Colonel.
Lieut. Col. *Hopton.*
Serjeant Major *Killegrew.*
Sir *Warham St. Leiger.*
Sir *W. Waller.*
Capt. *Burton.*
Capt. *Francis Hammond.*
Capt. *Winter.*
Capt. *Goring.*
Capt. *Fowler.*

V.

Sir *Andrew Grey*, Colonel.
Lieut. Col. *Boswel.*
Serjeant Major *Coburne.*
Capt. *David Murray.*
Capt. *Murray.*
Capt. *Forbos.*
Capt. *Carew.*
Capt. *Ramsey.*
Capt. *Williams.*
Capt. *Beaton.*

An. 1624.

VI.

Sir *John Borrough*, Colonel.
Lieut. Col. *Bret*.
Serjeant Major *Willoughby*.
Capt. *William Lake*.
Capt. *Roberts*.
Capt. *Webb*.
Capt. *Skipwith*.
Capt. *Thomas Woodhouse*.
Capt. *George*.
Capt. *Mostian*.

The Duke of *Buckingham*, Lord Admiral, was required to employ those Ships that were now in the Narrow Seas, or in the Havens ready bound for any Voyage, for the Transporting this Army from *Dover*. A

Count *Mansfield* received his Commission from King *James*, bore date the Seventh of *November*, One thousand six hundred twenty and four, and was to this effect, That his Majesty at the Request of the Prince Elector *Palatine*, and the Kings Sister his Wife, doth impower Count *Mansfield* to raise an Army for the recovering of the Estate and Dignity of the Prince Elector, and appoints that the Forces so raised should be under the Government of the said Count *Mansfield*, for the end aforesaid. And his Majesty further declares, by way of Negative, That he doth not intend that the said Count shall commit any spoil upon the Countreys or Dominions of any of his Majesties Friends and Allies; and more particularly, He doth require the said Count not to make any invasion, or do any act of War against the Countrey or Dominion, which of right appertain and are in truth, the just and lawful possession of the King of *Spain*, or the Lady *Infanta Isabella*: And in case any such Hostility shall be acted contrary to this his Majesties intention, all such Commissions which shall be granted to that purpose by the said Count *Mansfield*, his Majesty doth declare to be void; and that all payments shall cease: That on the contrary, if Obedience be given hereunto, the King wisheth the Count all good *success* for the recovery of the *Palatinate*, and reestablishment of the Peace in *Germany* against the Duke of *Bavaria*, and those that are the troublers of the Peace. B C

And for the performance hereof, the King caused Count *Mansfield* to take an Oath, That he would conform according to the Contents of the said Commission and Declaration of his Majesty; which Oath was almost in *Terminis* of what is before expressed. D

This Army consisting of Twelve Regiments, was intended to Land in *France*; but being ready for Transport, the French notwithstanding their Promise, and the Treaty of Marriage, demurred (yet not plainly denied) their passage. Nevertheless, the whole Army was shipped, and put over to *Calice*; and after a tedious stay in hope yet to land and pass through the Countrey, they were forced to set sail for *Zealand*. Neither were they suffered to land there, coming so unexpectedly upon the *States*, and in a hard Season for Provision of Victuals. E

Scarce the third part of Count *Mansfields* Army came safe to Land.

Thus they were long pent up in the Ships, and suffered the want of all Necessaries, by which means a *Pestilence* came among them, and raged extreamly; so that they were thrown into the Sea by *Multitudes*; insomuch, that scarce a Third part of the men were landed, the which also afterward mouldred away, and the Design came to nothing. F

Richard Smith made Bishop of *Calcedon*, and sent into *England* with Episcopal Jurisdiction.

The Papist formerly danted by the Breach of the Spanish Match, was now again revived by the Marriage-Treaty with *France*. And at this time upon the Death of *William*, Titular Bishop of *Calcedon*, most of the English *Secular Priests* did Petition the *Pope*, that another Bishop might be sent over into *England*, there to *Ordain Priests*, give Confirmation,

and

and exerciſe *Epiſcopal Juriſdiction.* Among others, *Matthew Kelliſon* and *Richard Smith* were preſented. *Facobi 23.*

And though the *Regulars* were oppoſite to the *Seculars* in this matter, yet thoſe of the Order of St. *Benedict* joyned with the *Seculars*, and *Rudeſin Barlo* Preſident of the Engliſh *Benedictines* at *Doway*, wrote a Letter in their behalf to the *Congregation* at *Rome*, named of the *Propagation of the Faith.* Dated the Twelfth of *December*, One thouſand ſix
A hundred twenty and four.

In which Letter was this paſſage, That there were above *Sixty Benedictine Monks* in *England*; and that it is not to be doubted (ſaid he) [For that it is already ſeen the *good ſucceſs* under the *Firſt Biſhop.*] That another Biſhop being Conſtituted, there would be more *joyful fruits* within one two years in the *Engliſh Miſſion*, then hitherto hath been for *Sixty years* now elapſed.

But not long after, the *Epiſcopal party* prevailing, Pope *Urban* the
B Eight created *Richard Smith* Biſhop of *Calcedon*, and ſent him into *England* with *Epiſcopal Authority* over the Prieſts within the Engliſh Dominions.

King *James* after he had been troubled with a *Tertian Fevor* four Weeks, finding himſelf near the end of his days, called unto him *Charles* Prince of *Wales*, his onely Son, to whom he recommended the Protection of the Church of *England*, adviſed him to love his Wife, but not her Religion; and exhorted him to take ſpecial care of his Grand-Chil-
C dren, the Children of the Elector *Palatine*, by his Daughter; and to employ the power he left him, to reeſtabliſh them in the Eſtate and Dignities of their Father: And laſtly, he recommended to him his Officers who had faithfully ſerved him, and on the Seven and twentieth of *March* gave up the ghoſt.

And ſhortly after Biſhop *Laud* delivered to the hands of the Duke of *Buckingham*, brief Annotations or Memorables of the Life and Death of King *James*, *(viz.)*

D

I. *HE was a King almoſt from his Birth.*

II. *His great Clemency that he ſhould Reign ſo long, and ſo moderately, that knew nothing elſe but to Reign.*

III. *The difficult times in* Scotland, *during his Minority, as much perplexed with Church as State Factions.*

IV. *His admirable Patience in thoſe yonger times, and his Wiſdom to go by thoſe many and great difficulties, till God opened him the ways to his juſt*
E *Inheritance of this Crown.*

V. *His peaceable Entry into this Kingdom, contrary to the fears at home, and the hopes abroad, not without Gods great bleſſing both on him and us.*

VI. *His Ability as ſtrong in Grace as Nature, to forgive ſome Occurrences.*

VII. *The continuance of full Two and twenty years reign all in Peace, without War, from Foreign Enemy, or Rebellion at home.*

VIII. *The infinite advantage, which people of all ſorts might have*
F *brought to themſelves, and the enriching of the State, if they would have uſed ſuch a Government with anſwerable care, and not made the worſt uſe of peace.*

IX. *Gods great mercy over him in many deliverances from private Conſpirators, and above the reſt, that which would have blown up his Poſterity and the State by Gun-powder.*

An. 1625.

X. That in all this time of his Reign of England, he took away the life of no one Nobleman, but restored many.

XI. That the sweetness of his nature was scarce to be paralleld by any other.

XII. It is little less then a Miracle, that so much sweetness should be found in so great a heart, as besides other things, sickness and death it self shewed to be in him.

XIII. Clemency, Mercy, Justice, and holding the State in Peace, have ever been accounted the great Vertues of Kings, and they were all eminent in him. A

XIV. He was not onely a preserver of Peace at home, but the great Peace-maker abroad; to settle Christendom against the common enemy the Turk, which might have been a glorious work, if others had been as true to him, as he was to the common good.

XV. He was in private to his Servants, the best Master that ever was, and the most free. B

XVI. He was the justest Man that could sit between parties, and as patient to hear.

XVII. He was bountiful to the highest pitch of a King.

XVIII. He was the greatest Patron to the Church which hath been in many Ages.

XIX. The most Learned Prince that his Kingdom hath ever known for matters of Religion.

XX. His integrity and soundness in Religion, to write and speak, believe and do, live and die one and the same, and all Orthodox. C

XXI. His tender love to the King his Son, our most gratious Soveraign that now is, and his constant Reverence in performance of all duties to his Father, the greatest Blessing and greatest Example of this, and many Ages.

XXII. The Education of his Majesty whom we now enjoy (and I hope and pray we may long and in happiness enjoy) to be an able King as Christendom hath any, the very first day of his Reign; the benefit whereof is ours, and the Honor his. D

XXIII. His sickness at the beginning more grievous then it seemed, a sharp melancholy humor set on fire, though ushered in by an ordinary Tertian Ague.

XXIV. He was from the beginning of his sickness scarce out of an opinion that he should die; and therefore did not suffer the great Affairs of Christendom to move him more then was fit, for he thought of his end.

XXV. His devout receiving of the Blessed Sacrament. E

XXVI. His Regal Censure of the Moderate Reformation of the Church of England, and particularly for the care of retaining of Absolution, the comfort of distressed Souls.

XXVII. His continual calling for Prayers, with an assured confidence in Christ.

XXVIII. His death as full of patience as could be found in so strong a death.

XXIX. His Rest, no question is in Abrahams Bosome, and his Crown changed into a Crown of Glory. F

Another writes thus of that King in the Book entituled the Reign of King Charles.

In

23 *Jacobi.*

IN the ſtile of the Court he went for *Great Britains Solomon*; nor is it any Excurſion beyond the Precincts of Verity to ſay, That neither *Britain* nor any other Kingdom whatſoever, could ever ſince *Solomons* days glory in a King (for recondite Learning and abſtruſe Knowledge) ſo near a Match to *Solomon*, as he. And though he was an Univerſal Schollar, yet did he make other Sciences (their moſt proper employment) but Drudges and Serviteurs to Divinity, wherein he became ſo tranſcendently eminent, as he notoriouſly foiled the greateſt Clerks of the *Roman* See. Nor did his Theological Abilities more advantage the Cauſe of Religion abroad then at home, they keeping the new-fangled Clergy aloof, and at diſtance, as not daring to infuſe into ſo ſolid a Judgment their upſtart and erroneous Fancies, no nor diſquiet the Churches peace with Heterodox Opinions. A ſtout Adverſary he was to the *Arminians* and *Semipelagians*, whom he called as *Proſper* before him, *The Enemies of Gods Grace*. And as ſlender a Friend to the *Presbytery*, of whoſe Tyrannical and Antimonarchical Principles, he had from his Cradle ſmart experience. He was an excellent Speaker, the Scheme of his Oratory being more ſtately then pedantick, and the Expreſſions argued him both a King and a Schollar. In his Apparel and Civil Garb, he ſeemed naturally to affect a Majeſtick careleſneſs, which was ſo Hectick, ſo Habitual in him, as even in Religious Exerciſes, where the Extern Demeanor is a grand part of that Sacred Homage, he was ſomewhat too incurious and irreverent. He was indulgent a little to his Palate, and had a ſmack of the Epicure; in Pecuniary Diſpenſations to his Favorites, he was exceſſive liberal; yea though the exigence of his own wants pleaded Retenſion. Studious he was of Peace, ſomewhat overmuch for a King, which many imputed to puſillanimity; and for certain, the thought of War was very terrible unto him; whereof there needs no further demonſtration, then his management of the Cauſe of the *Palatinate*: For had he had the leaſt ſcintillation of Animoſity or Majeſtick Indignation, would he have ſo long endured his Son-in-Law exterminated from his Patrimony, while the *Auſtrian* Faction (to his great diſhonor) cajoled and kept him in deluſory Chat with ſpecious fallacies? would he in thoſe ſeveral Negotiations of *Carliſle*, *Briſtol*, *Belfaſt*, and *Weſton*, have trifled away ſo vaſt ſums, the Moity whereof, had they been diſpoſed in Military Levies, would have Modelled an Army able (when *Heidelburgh*, *Manheim*, and *Frankendale* defended themſelves) to have totally diſſipated all the Forces of the Uſurpers, to have maſtered the Imperious Eagle, enforcing her to forego her Quarry, and reeſtated the *Palſgrave*? would he ſo ſhamefully have Courted the Alliance of *Spain*, to the very great regret of his Subjects whom his Predeceſſors had ſo often baffled, and whom *England* ever found a worſe Friend then Enemy? What ſtronger evidence can be given in of a wonderful defect of Courage? As this lipothymie, this faint-heartedneſs, loſt him the reputation and reſpects of his people; ſo his heavy preſſures upon them, and undue Levies by Privy Seals, and the like, alienated their Affections, eſpecially conſidering how thoſe Moneys were miſ-employed, indeed rather thrown away; partly in the two diſhonorable Treaties of *Spain* and *Germany*, and the Conſequential Entertainments; and partly in Largeſſes upon his Minion *Buckingham*. Between this diſaffection and contempt in his people, there was generated a general diſpoſition to turbulent and boiſterous Darings and Expoſtulations, even againſt his Darling Prerogative: And though thoſe diſmal calamities

which

An. 1625. which befel his Son, were doubtleſs ampliated by a ſuperfetation of Cauſes; yet was their firſt and main exiſtency derivative from thoſe ſeminalities. Let Court-Pens extol the calmneſs of his *Halcyonian* Reign with all artifice of Rhetorick, yet can they never deny but that admired Serenity had its ſet in a Cloud; and that he left to his Succeſſor, both an empty Purſe and a Crown of Thorns.

Sir *Francis Bacon* when King *James* was living, gave this Character of him. A

WHerefore repreſenting Your Majeſty many times unto my minde, and beholding you not with the eye of Preſumption to diſcover that which the Scripture tells me, is inſcrutable; but with the obſervant eye of Duty and Admiration, leaving aſide the other parts of your Virtue and Fortune, I have been touched, yea, and poſſeſſed B with an extream wonder at theſe your Virtues and Faculties which the *Philoſophers* call Intellectuals, [The largeneſs of your Capacity, the faithfulneſs of your Memory, the ſwiftneſs of your Apprehenſion, the penetration of your Judgment, and the facility and order of your Elocution.] And I have then thought, that of all the perſons living that I have known, Your Majeſty were the beſt inſtance to make a man of *Plato*'s opinion, *That all Knowledge is but Remembrance, and that the Minde of Man by Nature knoweth all things, and hath but her own Native and Original* C *Notions (which by the ſtrangeneſs and darkneſs of the Tabernacles of the Body, are ſequeſtred) again revived and reſtored.* Such a Light of Nature I have obſerved in your Majeſty, and ſuch a readineſs to take flame and blaze from the leaſt occaſion preſented; or the leaſt ſpark of anothers Knowledge delivered. And as the Scripture ſaith of the wiſeſt King, *That his heart was as the Sand of the Sea*, which though it be one of the largeſt Bodies, yet it conſiſteth of the ſmalleſt and fineſt Portions: So hath God given your Majeſty a compoſition of Underſtanding admira- D ble, being able to compaſs and comprehend the greateſt Matters, and nevertheleſs to touch and apprehend the leaſt; wherein it ſhould ſeem an impoſſibility in Nature for the ſame Inſtrument to make it ſelf fit for great and ſmall Works. And for your gift of Speech, I call to minde what *Cornelius Tacitus* ſaith of *Auguſtus Caſar*, *Auguſto profluens & quæ Principem deceret Eloquentia fuit*: For if we mark it well, Speech that is uttered with labor and difficulty; or Speech that ſavoreth of the affectation of Arts and Precepts; or Speech that is framed after the imita- E tion of ſome pattern of Eloquence, though never ſo excellent; all this hath ſomewhat ſervile and holding of the Subject. But your Majeſties manner of Speech is indeed Prince-like, flowing as from a Fountain, and yet ſtreaming and branching it ſelf into Natures order, full of Facicility and Felicity, *Imitating none, and inimitable by any, &c.* And there ſeemeth to be no little contention between the excellency of your Majeſties gifts of Nature, and the univerſality and perfection of your Learning; for I am well aſſured of this, that what I ſhall ſay is no amplifica- F tion at all, but a poſitive and meaſured truth, which is, *That there hath not been ſince Chriſts time, any King or Temporal Monarch, which hath been ſo learned in all Literature and Erudition, Divine and Humane*: For let a man ſeriouſly and diligently revolve and peruſe the Succeſſion of the Emperors of *Rome*, of which *Cæſar* the Dictator, who lived ſome years before

23 *Jacobi.*

before Christ, and *Marcus Antonius*, were the best learned; and so descend to the Emperors of *Gracia*, or of the West, and then to the Lines of *France*, *Spain*, *England*, *Scotland*, and the rest, and he shall finde this Judgment truly made: For it seemeth much in a King, if by the compendious extractions of other Mens Wits and Learning, he can take hold of any superficial Ornaments and shews of Learning; or if he countenance, or prefer Learning and Learned Men. But to drink indeed
A of the true Fountain of Learning, nay, to have such a Fountain of Learning in himself, in a King, and in a King born, is almost a miracle; and the more, because there is met in your Majesty a rare conjunction as well of Divine and Sacred Literature, as of Prophane and Humane. So as your Majesty stands invested of that Triplicity which in great veneration was ascribed to the Antient *Hermes*, The Power and Fortune of a King, the Knowledge and Illumination of a Priest, and the Learning and Universality of a Philosopher. This Propriety inherent and individual Attri-
B bute in your Majesty, deserveth to be expressed not onely in the Fame and Admiration of the present time, nor in the History or Tradition of the Ages succeeding, but also in some solid Work, fixed Memorial, and Immortal Monument, bearing a Character or Signature, both of the Power of a King, and the Difference and Perfection of such a King.

Memoria Justi cum laudibus, & impiorum nomen putrescit.

C He that hath lately writ the History of *Great Britain*, thus expresseth himself concerning King *James*.

HE was a King in understanding, and was content to have his Subjects ignorant in many things; as in Curing the *Kings Evil*, which he knew a device to ingrandize the vertue of Kings when Miracles were in fashion; but he let the World believe it, though he smiled at it
D in his own Reason, finding the strength of imagination a more powerful agent in the Cure, then the Plaisters his Surgeons prescribed for the Sore. It was a hard question, whither his Wisdom and Knowledge exceeded his Choler and Fear; certainly the last couple drew him with most violence, because they were not acquisitious, but natural; if he had not had that allay, his high towering and mastering Reason had been of a rare and sublimed excellency; but these Earthly dregs kept it down, making his Passions extend him as far as Prophaneness (that I may not say Blas-
E phemy) and Policy superintendent of all his Actions, which will not last long, (like the violence of that humor) for it often makes those that know well, to do ill, and not be able to prevent it.

He had pure Notions in Conception, but could bring few of them into action, though they tended to his own preservation; for this was one of his Apothegms which he made no timely use of, [*Let that Prince that would beware of Conspiracies, be rather jealous of such whom his extraordinary favors have advanced, then of those whom his displeasure hath discontented. These want means to execute their pleasures, but they have means*
F *at pleasure to execute their desires.*] Ambition to rule is more vehement then Malice to revenge: Though the last part of this Aphorism he was thought to practise too soon, where there were no causes for prevention and neglect too late when time was full ripe to produce the Effect.

Some paralleld him to *Tiberius* for Dissimulation, yet Peace was maintained

An. 1624. maintained by him, as in the time of *Augustus*, and Peace begot Plenty, and Plenty begot Ease and Wantonness, and Ease and Wantonness begot Poetry, and Poetry swelled to that bulk in his time, that it begot strange monstrons Satyrs against the Kings own person, that hanted both Court and Countrey; which expressed, would be too bitter to leave a sweet perfume behinde him. And though bitter ingredients are good to imbalm and preserve dead Bodies, yet these were such as might endanger to kill a living Name, if Malice be not brought in with an Antidote. A
And the Tongues at those times more fluent then my Pen, made every little miscarriage (being notable to discover their true operations, like small Seeds hid in Earthy darkness) grow up and spred into such exuberant Branches, that evil report did often pearch upon them. So dangerous it is for Princes by a remiss comportment, to give growth to the least Error; for it often proves as fruitful as Malice can make it.

But alass good King! Here was an end of his Earthly Empire, and little did he imagine that the last period to *Great Britains* Monarchy, should B
not much exceed the time of his own Reign, and in the true extent come short of it.

There is a Book said to be writ by a Knight of *Kent*, and intituled *King James Court*, which renders a further Character of that King; we forbear to particularize any thing thereof (no name being put to the Book) but leave the Reader to his freedom.

C

The Bishop of *Lincoln*, then Lord Keeper of the Great Seal of *England*, in his Sermon at King *James* Funeral, speaking of *Solomon* and King *James*, (his Text being 1 *Kings* 11. 41, 42, 43.) hath these Expressions.

I Dare presume to say, you never read in your lives, of two Kings more fully parallel'd amongst themselves, and better distinguished from D
all other Kings besides themselves. King *Solomon* is said to be *Unigenitus coram Matre sua*, the onely Son of his Mother, *Prov.* 4. 3. So was King *James*. *Solomon* was of Complexion white and ruddy, *Cant.* 5. 10. So was King *James*. *Solomon* was an Infant-King, *puer parvulus*, a little Childe, 1 *Chron.* 22. 5. So was King *James* a King at the Age of Thirteen Moneths. *Solomon* began his Reign in the life of his Predecessor, 1 *Kings* 1. 32. So, by the force and compulsion of that State, did our late Soveraign King *James*. *Solomon* was twice crowned and anointed a E
King, 1 *Chro.* 29. 22. So was King *James*. *Solomons* Minority was rough through the quarrels of the former Soveraign; so was that of King *James*. *Solomon* was learned above all the Princes of the East, 1 *Kings* 4. 30. So was King *James* above all Princes in the Universal World. *Solomon* was a Writer in Prose and Verse, 1 *Kings* 4. 32. So in a very pure and exquisite manner was our sweet Soveraign King *James*. *Solomon* was the greatest Patron we ever read of to Church and Churchmen; and yet no greater (*let the House of* Aaron *now confess*) then King *James*. *Solomon* F
was honored with Ambassadors from all the Kings of the Earth, 1 *Kings* 4. *ult.* And so you know was King *James*. *Solomon* was a main improver of his home Commodities, as you may see in his trading with *Hiram*; 1 *Kings* 5. 9. And God knows it was the daily study of King *James*. *Solomon* was a great maintainer of Shipping and Navigation, 1 *King.* 10. 14.

Jacobi 23.

A moſt proper Attribute to King *James*. *Solomon* beautified very much his Capital City with Buildings and Water-works, 1 *Kings* 9. 15. So did King *James*. Every man lived in peace under his Vine and his Fig-Tree, in the days of *Solomon*, 1 *Kings* 4. 25. And ſo they did in the bleſſed days of King *James*. And yet towards his end, King *Solomon* had ſecret enemies, *Razan*, *Hadad*, and *Jeroboam*, and prepared for a War upon his going to his Grave, as you may ſee in the Verſe before my Text. A So had, and ſo did King *James*. Laſtly, Before any Hoſtile Act we read of in the Hiſtory, King *Solomon* died in peace, when he had lived about Sixty years, as *Lyra* and *Toſtatus* are of opinion; and ſo you know did King *James*.

And as for his words and eloquence, you know it well enough; it was rare and excellent in the higheſt degree. *Solomon* ſpeaking of his own faculty in this kinde, divides it into two ſeveral heads; a ready *Invention*, and an eaſie *Diſcharge* and *Expreſſion* of the ſame. *God hath granted me to ſpeak as I would, and to conceive as is meet, for the things ſpoken of*, B *Wiſd.* 7. 15. And this was eminent in our late Soveraign. His Invention was as quick as his firſt Thoughts, and his Words as ready as his Invention. *God had given him to conceive*; the Greek word in that place is ἐνθυμηθῆναι, that is, to make an Enthymem or a ſhort Syllogiſm; and that was his manner. He would firſt winde up the whole ſubſtance of his diſcourſe into one ſolid and maſſie Conception; and then ſpred it and dilate it to what compaſs he pleaſed; *Profluenti & quæ Principem deceret eloquentia* (as *Tacitus* ſaid of *Auguſtus*) in a flowing and a Princely kinde of Elocution. Thoſe *Speeches* of his in the Parliament, Star-Chamber, Council Table, and other Publick Audiences of the State (of which, as of *Tullies* Orations, *Ea ſemper optima, quæ maxima*, the longeſt ſtill was held the beſt) do prove him to be the moſt powerful Speaker that ever ſwayed the Scepter of this Kingdom. In his Stile you may obſerve the *Eccleſiaſtes*, in his Figures the *Canticles*, in his Sentences the *Proverbs*, and in his whole Diſcourſe *Reliquum verborum Solomonis*, all the reſt D that was admirable in the Eloquence of *Solomon*.

How powerfully did he charge the Prince with the care of Religion and Juſtice, the two Pillars (as he termed them) of his future Throne? How did he recommend unto his love, the Nobility, the Clergy, and the Communalty in the general? How did he thruſt, as it were, into his inward boſom, his Biſhops, his Judges, his near Servants, and that * Diſciple of his whom he ſo loved in particular? and concluded with that Heavenly Advice to his Son, concerning that great act of his future Marri- E age, *To marry like himſelf, and marry where he would*: But if he did marry the Daughter of that King, he ſhould marry her Perſon, but he ſhould not marry her Religion.

* The Duke of *Buckingham*.

Having in our *Collections* met with the Tranſcript of a Letter from King *James* to Pope *Clement*, dated *Anno* 1599. We have thought fit (though it be not placed in order of time) to conclude his Reign with it, F and with the Inſtructions given to Mr. *Drummond* who was ſent with the ſame to *Rome*.

An. 1625.

Jacobus Rex, *Clementi* Papæ.

BEatiſſime Pater, cum variis ad nos perlatum fuiſſet rumoribus, quàm diligenter noſtræ ſortis æmuli ſæpius egiſſent, ut authoritatis veſtræ acies in nos diſtringeretur, quaque conſtantia id pro veſtra prudentia hactenus fuerit recuſatum: Committere noluimus quin accepti memores beneficii gratias ageremus, opportunam nacti occaſionem, cum lator præſentium, natione noſtras, veſter aſcriptitius, in fines ditionis veſtræ reverteretur; quem pro ſua indole veſtris ornatum beneficiis veſtræ Sanctitati Commendamus, ut eum in iis quæ noſtro nomine habet impartienda, audire placide non dedignetur: Et quia adverſus malevolorum calumnias, qui noſtras in Catholicos injurias commemorando, nobis invidiam, & ipſis gratiam conciliant, nullum tutius remedium agnoſcimus, quàm ut è noſtratibus aliqui, veritatis ſtudioſi, quantumvis à Religione quam nos à prima hauſimus Infantia, abhorrentes, honeſtam in curia *Romana* demorandi occaſionem ſemper haberent, ex quibus veſtra Sanctitas certo poſſit, in quo ſtatu res noſtræ ſint, ediſcere; hoc nomine Epiſcopum *Vazionenſem* vobis commendamus, qui ut ſortis ſuæ qualecunque incrementum veſtræ Sanctitati duntaxat refert acceptum, ita Cardinalatus honorem prioribus beneficiis, noſtra præſertim gratia, adjici obnixe rogamus. Sic Inimicorum ceſſabunt Calumniæ, præſentibus qui rerum geſtarum veritatem poſſint adſtruere. Nec actionum noſtrarum ullam æquos rerum æſtimatores cupimus latere, qui in ea Religionis, quam profitemur, puritate enutriti, ſic ſemper ſtatuimus nihil melius tutiuſque quam citra fucum in iis pro-

King James *Letter to Pope* Clement.

MOſt Holy Father, having underſtood by ſeveral Reports how diligent the Rivals of our Condition have been, that the Sword of your Authority ſhould be unſheathed againſt us, and with what conſtancy your Prudence hath hitherto refuſed it; we could do no leſs then return thanks for ſuch a good turn received; eſpecially upon ſo fair an occaſion, when the Bearer of theſe, a Scotchman by Nation, but a Roman *by Adoption, was returning unto your Dominions; we recommend him to your Holineſs (to whom for his good parts you have already been beneficial) that you would attentively hear him in thoſe things which he ſhall deliver in our Name: And becauſe we know there is no better remedy againſt the Calumnies of ill Willers, (who by commemorating our injuries done to Catholicks procure envy to us, and thank to themſelves) then that ſome of our Countreymen Zealous of the Truth, though differing from the Religion which we have ſuckek from our Infancy, ſhould have an honorable occaſion of making their abode in the Court of* Rome, *from whom your Holineſs may be certainly informed of the ſtate of our Affairs. In this regard we recommend unto you the Biſhop of* Vazion, *who as he doth impute whatſoever increaſe of his condition to your Holineſs alone; ſo we are earneſt Suitors, that for our ſake eſpecially, the honor of a Cardinals Cap may be added to his former advantages. By this means the Calumnies of our Enemies will ceaſe, when ſuch are preſent with you, who may be able to aſſert the truth of our doings. We do not deſire any of our actions ſhould be concealed from juſt Arbitrators; for though we have been bred up in the truth of that Religion which we now profeſs, yet we have always*

determined

determined that there is nothing better and safer, then piously and without ostentation, to endeavor the promoting of those things which really belong to the glory of Gods Name, and laying aside the goards of Envy, and applying the warmth and fomentation of
A *Charity, diligently to consider what belongeth not to the empty name of Religion, but to the holy Symbol of true Piety. But because we have discoursed more at large of these things with the bearer hereof, a man not unlearned, and indifferently well conversant in*
B *our Affairs, we have thought best to be no more tedious by a long Letter.*

Your Holiness
most dutiful Son
J. R.

From Holy Rood,
24 Sept. 1599.

promovendis, quæ Divini Numinis gloriam serio spectant, pie contendere, & remotis invidiæ stimulis, non tam quid Religionis inane nomen, quam veræ pietatis Sacrosancta tessera requirat, charitatis semper adhibito fomento, diligenter considerare. Sed quia de his copiosius cum latore præsentium, viro non inerudito, & in rebus nostris mediocriter versato, disseruimus, longioris Epistolæ tædio censuimus abstinendum. 23 *Jacobi.*

Beatudinis vestræ obsequentissimus Filius

J. R.

E Sancta Cruce,
24 Sept.
1599.

C *This Letter was conveyed by* Edward Drummond *the Lawyer, whom the King sent to the Pope, the Duke of* Tuscany, *the Duke of* Savoy, *and other Princes and Cardinals.*

First, You shall most respectively
D *Salute in our Name the Pope, and those other Princes and Cardinals; and having delivered our Letters of Credence, shall signifie,*

That we exceedingly desire to reserve with them the measure of Love, and good Will, which is fitting to remove not onely all suspition, but any
E *thing that may be the cause of Suspition.*

That although we persist in the Religion which we suck'd in from our Infancy, yet we are not so void of Charity, but to think well of all Christians if so be they continue in their duty,
F *first towards God, and then towards the Magistrate, whose Subjects they are.*

That we never exercised any cruelty against the Catholicks, for Religion sake.

And

Instructions to Mr *Drummond.*

SUmma mandatorum *Edwardi Drummond* Jurisconsulti, quem ad Pontificem Maximum, Ducem *Etruriæ*, Ducem *Sabaudiæ*, cæterosque Principes & Cardinales ablegamus.

Salutabis imprimis nostro nomine quàm potes officiosissimè, Pontificiem Maximum, cæterosque Principes & Cardinales; datisque nostris literis fiduciariis significabis,

Capere nos vehementer eum, quem decet, amoris & benevolentiæ modum cum iis conservare, omnemque removere non suspicionem modo, sed & suspicionis leviſſimam quamcunque occasionem.

Quod quamvis in ea perſistimus Religione, quam à teneris hausimus annis, non tamen ita esse Charitatis expertes, quin de Christianis omnibus bene sentiamus; modo in officio primum erga Deum Optimum Maximum, deinde erga Magistratus, quorum subsunt imperio, permanserint.

Nullam nos unquam sævitiam contra quoscunque Catholicos Religionis ergo exercuisse.

An. 1625.

Et quia plurimum intereſt noſtra ut pari diligentia qua malevoli mentiuntur, nos per amicos & ſubditos veritatem poſſimus adſtruere; idcirco inniteris in hoc totis viribus ut Pontifex Maximus tam rogatu noſtro quam precibus Illuſtriſſimorum Principum, quos per literas noſtras ad hoc rogavimus, ad hoc induci poſſit ut Epiſcopus *Vazionenſis* in Cardinalium Collegium adſciſcatur; in quo ſi profeceris, ut de eo redditi fuerimus certiores, ulterius progrediemur. Cavebis ne in hoc negotio ad Pontificem Maximum, aut Illuſtriſſimos Cardinales, ulterius progrediaris, niſi prius ſubſit certa ſpes optati eventus.

And becauſe it doth very much concern us, that we may be able to aſſert the truth by our Friends and Subjects, with the ſame diligence that ſlanderers lie; therefore you ſhall endeavor to the utmoſt to perſwade the Pope, as well at our entreaty, as for the deſire of theſe moſt Illuſtrious Princes, whom in our Letters we have ſollicited in our behalf, to make the Biſhop of Vazion *Cardinal, wherein if you be ſucceſsful, as ſoon as we ſhall be certified thereof, we will proceed further. You muſt be cautelous not to proceed any further in this buſineſs, either with the Pope or the moſt Illuſtrious Cardinals, unleſs there be a certain hope of our wiſhed event.*

A

B

C

D

Hiſtorical

E

F




The High & Mighty Monarch Charles by the grace of God
King of Great Brittaine France & Ireland Defender of ye Faith.

Historical Collections.

Primo CAROLI.

ON the ſame day when King *James* departed this life at *Theobalds*, the Lord Preſident of the Council, and the Lord Marſhal of *England*, were immediately ſent by the Body of the Council to Prince *Charles*, who was then retired to his Chamber, to give him notice of his Fathers deceaſe, and that they were all there ready to preſent themſelves unto him, if his pleaſure were to admit them; but he being in ſadneſs, wiſhed them to forbear their coming till the next morning. In the mean time, the Privy-Counſellors aſſembled themſelves, drew up the form of a Proclamation to proclaim King *Charles*, which was forthwith publiſhed at the Court-Gate at *Theobalds*; which being done, the King ſignified his pleaſure, that the Lord Keeper, the Lord Treaſurer, the Lord Preſident, the Lord Chamberlain, the Treaſurer of the Houſe, and the Comptroller ſhould attend him; they all came and rendred up their Offices and Places to him, which his Majeſty preſently reſtored to them again. The Privy-Counſellors gave notice to the Lord Major of *London*, that he and all the Aldermen ſhould that day appear in their Robes at *Ludgate*, whither the Lords and others would repair, to proclaim King *Charles*: Accordingly, the Lords went from *Theobalds* to the Palace of *Whitehall*, where the Nobility then about *London* were gathered together.

The Privy-Counſellors preſent themſelves to King *Charles*.

King *Charles* proclaimed at *Theobalds*.

At *Whitehall*-Gate the King was proclaimed by ſound of Trumpet, all the Nobility, Privy-Counſellors and Gentry being on Horſe-back, went thence, and proclaimed the King at *Charing-Croſs*, *Denmark-houſe*, *Temple-Bar*, at the great Conduit in *Fleetſtreet*, and thence they rode up to *Ludgate*, where the Lord Major and Aldermen were on Horſe-back, expecting within the Gates, and the Lords and others entered and proclaimed him there, and then they rode all to *Cheapſide-Croſs*, where they proclaimed the King again; and the Lords returning thence, left order with the Lord Major to go on with the Proclamation in other parts of the City.

At *Whitehall*.

In *London*.

The ſame day King *Charles* removed from *Theobalds*, and came to St *James*'s in the Evening, and the Corps of the deceaſed King remained at *Theobalds*, attended by all the Servants in Ordinary.

The day following, the Privy-Counſellors to the late King, with all the Lords Spiritual and Temporal then about *London*, were in the Council Chamber at *Whitehall* by Eight of the Clock in the morning, ready to go together, and preſent themſelves to his Majeſty; but there came in the mean a Commandment from the King, by the Lord *Conway* and Sir *Albertus Morton*, Principal Secretaries of State to the deceaſed

The old Privy-Council new ſworn.

An. 1625.

deceaſed King; that the Lord Keeper of the Great-Seal ſhould be ſworn of his Majeſties Privy-Council, and that he ſhould give the Oath to the Lord Preſident, by whom all the reſt of the late Kings Council ſhould be ſworn Counſellors to his preſent Majeſty: The Lord Keeper of the great Seal, the Lord Preſident, the Lord Arch-biſhop of *Canterbury*, the Lord Treaſurer of *England*, the Lord Privy-Seal, the Duke of *Buckingham* Lord Admiral of *England*, the Earl of *Pembrook* Lord Chamberlain, the Earl of *Montgomery*, the Earl of *Kellyt*, the Earl of *Arundel* Earl Marſhal of *England*, the Lord Viſcount *Grandiſon*, the Lord *Conwey*, the Lord *Brook*, Mr Treaſurer, Mr Comptroller, the Maſter of the Wards, Mr Secretary *Morton*, Mr Chancellor of the Exchequer, and the Maſter of the Rolls, were this day ſworn accordingly; the Lord Keeper did take an Oath apart, as Lord Keeper of the Great Seal; the Lord Treaſurer, as Lord Treaſurer of *England*; the Lord Preſident, as Lord Preſident of the Kings Privy-Council, and the Lord *Conwey*, and Sir *Albertus Norton*, as principal Secretaries of State; the Lords which were not of his Majeſties Privy-Council repaired by themſelves to St *James*'s, and preſented themſelves to the King, and kiſſed his hand.

The Council advice to the King.

The Council ſat immediately, and adviſed of the moſt important and preſſing matters to be offered to the King for his preſent ſervice, and reſolved upon theſe particulars.

That a Commiſſion be granted to authorize the Great-Seal, Privy-Seal, and Signet, till new ones be prepared; alſo Commiſſions for authorizng of Judges, Juſtices of Peace, Sheriffs, and other ſuch Officers for Government; that there be a general Proclamation for continuation of Proceedings, preſervation of Peace, and adminiſtration of Juſtice; that Letters be prepared for the Ambaſſadors with foreign Princes, to authorize their ſervices to the King; that ſpecial Meſſengers be ſent unto foreign Princes; that the like Proclamations to thoſe of *England*, be ſent into *Scotland*; that Commiſſions be renewed into *Ireland*, to the Deputy and Officers there; that the Mint for Coyning of money go on, and all things be mannaged by the Officers as then they ſtood, till the Kings pleaſure be further known; that a Parliament be ſummoned when the King ſhall appoint; that the Kings pleaſure be known concerning the time of his Fathers Funeral, and where the Corps ſhall reſt in the mean time, as alſo the time of his Majeſties Coronation.

This being done, the whole Council attended the King at St *James*'s, where the Lord Keeper, in the name of all the reſt, preſented their humble thanks, that it had pleaſed his Majeſty to have affiance in thoſe that had been Counſellors to his Father, to receive them all to be of his Privy-Council; the Lord Preſident repreſented to the King the matters before mentioned, which the King allowed, and gave order, that thoſe of them which required ſpeed ſhould be put in execution, and moſt of the powers he ſigned preſently: And firſt, becauſe by the death of the late King, the Authorities and powers of the greateſt number of Offices and places of Government did ceaſe and fail, by the failing of the Soveraign Perſon from whom the ſame were derived, a Proclamation iſſued forth, ſignifying his Majeſties pleaſure, that all perſons whatſoever, who at the deceaſe of the late King were inveſted in any Office or Place of Government Civil or Martial

Proclamation concerning Perſons in Office, &c.

within

1 *Caroli.*

within the Realms of *England* and *Ireland*, and namely, Presidents, Lieutenants, Vice-Presidents, Judges, Justices Sheriffs, Deputy Lieutenants, Commissaries of Musters, Justices of Peace shall continue in their several Offices, till his Majesties pleasure were further known. In another Proclamation of the same date, the King took notice of his Fathers death, and that he being his onely Son, and undoubted Heir, is invested and established in the Crown Imperial of this Realm, and all other his Majesties Realms, Dominions and Countries, with all the Royalties, Preeminencies, Stiles, Names, Titles and Dignities to the same belonging; and he declared, That as he for his part shall by Gods grace shew himself a most benign and gracious Soveraign Lord to all his good Subjects, in all their lawfull Suits and Causes; so he mistrusteth not, but that they on their parts will shew themselves unto him their natural Liege Lord, most loving, faithfull, and obedient Subjects.

Proclamation of Government.

A

B The Council resolved to move the King, that his Fathers Funeral might be solemnized within five weeks, and within a few dayes after the Ceremonial Nuptials in *France*, and before the Parliament began in *England*: These Resolves the Lord President represented unto the King, who accepted of the advices, and said, he would follow them. Moreover, he summoned a Parliament to begin the seventeenth of *May*; but by the advice of his Privy-Council, Prorogued it to the one and thirtieth of *May*, afterwards to the thirteenth of *June*, and then to the eighteenth of the same moneth; which Prorogations were occasioned by the Kings going to *Dover* to receive the Queen.

Resolution taken by the King concerning King *James* Funeral, and his own Marriage.

A Parliament summoned.

C

April 23. The Body and Herse of King *James* was brought from *Theobalds* to *London*, being conducted by the Officers of the Guard of the Body, all in Mourning, every one having a Torch, and attended by all the Lords of the Court, and great numbers of other persons of quality, and was placed in *Denmark*-House in the Hall of the deceased Queen *Anne*.

King *James* Funeral.

D

The seventh of *May* was the day of Burial, the Body and Herse were taken from the said Hall of State, and brought in great Pompe and Solemnity to *Westminster*, where the Kings of *England* use to be interred: The new King, to shew his Piety towards his deceased Father, was content to dispence with Majesty; he followed in the Rear, having at his right hand the Earl of *Arundel*, at his left the Earl of *Pembrook*, both Knights of the Garter; his Train was born up by twelve Peers of the Realm: So King *James*, who lived in Peace, and assumed the title of *Peace-maker*, was peaceably laid in his Grave in the Abby at *Westminster*.

E

King *Charles* in his Fathers life time was linked to the Duke of *Buckingham*, and now continued to receive him into an admired intimacy and dearness, making him Partaker of all his Counsels and Cares, and Chief Conductor of his Affairs; an Example rare in this Nation, to be the Favorite of two succeding Princes.

Duke of *Buckingham* continues Favorite to King *Charles*.

The Publick State of Religion, and the steering of Church-matters, had an early inspection and consultation in the Cabinet Council. Bishop *Laud*, who, in King *James*'s life time had delivered to the Duke a little book about Doctrinal *Puritanism*, now also delivered to the Duke a Schedule, wherein the names of Ecclesiastical persons were written under the letters *O* and *P*, *O* standing for Orthodox, and *P* for Puritans; for the

Religion considered.

F

An. 1625.

Duke commanded that he ſhould thus digeſt the names of eminent perſons to be preſented unto the King under that Partition.

A general Muſter.

King *Charles* in the entrance of his Reign proceeds with preparations for a War, begun in his fathers time; the Militia of the Kingdom, through the long continued Peace was much decayed, and the Muſters of the Trained-bands were ſlight and ſeldom taken, and few of the Commons were expert in the uſe of Arms; wherefore the Lords Lieutenants were commanded, by order of the Council, to make a general Muſter of the Trained Horſe and Foot in their ſeveral Counties, and to ſee to the ſufficiency of the Men, Horſe, and Arms, and that all be compleat according to the beſt modern form, and be in readineſs for all occaſions, and eſpecially now the affairs of *Chriſtendom* ſtand upon ſuch uncertain Terms; and more particularly, that the Maritine Towns be well manned, and their men duely exerciſed; and the King declared his will and pleaſure, that the Lord Lieutenants of the ſeveral Shires, ſhould have the nomination of their Deputy Lieutenants.

Souldiers levied for the Palatinate.

In the beginning of *May* Warrants were iſſued forth for a Leavy of Souldiers, to be imployed in the ſervice of his Majeſties Brother and Siſter, the Prince and Princeſs *Palatine*, whereof eight thouſand were pointed to Rendezvous at *Plymouth* by the five and twenty of this Moneth, and the charge of Coat and Conduct was ordered to be diſburſed by the Country, and the Country to be repaid out of the Kings Exchequer, after the Preſident of former times; in like manner, two thouſand men were appointed to Rendezvous at the Port of *Hull*, to be tranſported into the *Netherlands* for the ſervice of the United-Provinces, and two thouſand were to be returned thence into *England* for his Majeſties preſent ſervice; the mingling of a good proportion of old Souldiers and Officers, with the new raiſed Companies, was the ground of this exchange.

Proclamation againſt diſorders committed by Souldiers.

The remembrance of the late violence committed by Count *Manſfeld*'s Army in their paſſage to *Dover*, occaſioned a Proclamation to repreſs and prevent the like attempts of Soldiers, as they now paſſed through the Counties to the places of their Rendezvous, threatning the Offendors with the ſtricteſt proceedings againſt them for an Example of Terror, and ſtraitly commanding the Officers who have the charge of the Conduct, for the removing of all occaſions and pretences of diſorders, to ſee their Companies duely paid, and provided of all neceſſaries, and to be alwayes preſent with them, and carefully to conduct them from place to place; in like manner to prevent their Outrages when they ſhould come to *Plymouth*, or the parts adjoyning, a Commiſſion was ſent, impowering perſons of truſt, upon any robbery, fellony, mutiny, or other miſdemeanors (puniſhable with death by Martial Law) committed by the Souldiers, or other diſſolute perſons joyned with them, to proceed to the trial and condemnation of all ſuch Delinquents, in ſuch Summary courſe and order, as is uſed in Armies in time of War, according to the Law Martial; and to cauſe Execution to be done in open view, that others may take warning and be kept in due obedience.

Articles of the marriage with *France*, ſigned by the King.

The conſummation of King *Charles* his Marriage with *Henrietta Maria*, Daughter of *France*, was near at hand. The Treaty had proceeded far in his Fathers life time, but was not in all points concluded; the Articles were ſigned the year before by King *James* on the eleventh of *May*, and by the French King on the Fourteenth

Fourteenth of *August*. On the Thirteenth of *March* this preſent year, (the Earls of *Carliſle* and *Holland* being then Ambaſſadors and Commiſſioners in *France* for this Marriage) King *Charls* ſigned the Articles. 1 *Caroli.*

Beſides the general, there were other private Articles agreed upon in favor of the Papiſts of this Kingdom. "That the Catholicks, as well "Eccleſiaſticks as Temporal, impriſoned ſince the laſt Proclamation "which followed the Breach with *Spain*, ſhould all be ſet at liberty. Private Articles in favor of the Catholicks.

A "That the Engliſh Catholicks ſhould be no more ſearched after nor "moleſted for their Religion.

"That the Goods of the Catholicks as well Eccleſiaſtical as Tem-"poral, that were ſeiſed on ſince the forementioned Proclamation, ſhould "be reſtored to them.

And on the Tenth of *May*, as the firſt fruits of this promiſed Indulgence and favor, the King granted unto Twenty Roman Prieſts a ſpecial Pardon of all Offences committed againſt the Laws then in force againſt

B Papiſts.

The Diſpenſation being come from *Rome* about the beginning of *May*, the Eſpouſals were made in *Paris* by Cardinal *Richelieu*: The Ambaſſadors having firſt preſented to the King the Contract of Marriage, which was read openly by the Chancellor, and his Majeſty of *France* agreed thereunto; The Duke of *Chevereux* likewiſe ſhewed his Procuration of power which the King of *England* had given him concerning the ſaid Marriage. The Marriage ſolemnized in *France*.

C The Archbiſhop of *Paris* pretended that it belonged to him to perform this Solemnity; but the Cardinal carried it, as well for the eminencie of his Dignity, as for that he was chief Almoner and prime Curate of the Court.

Sunday following, the day appointed for theſe Nuptials, the Bride went from the *Louure* about Nine in the morning, to be dreſſed in the Archbiſhops houſe; and afterwards the King, Queen, and Princeſſes, and all the Court in rich Attire, parted likewiſe from the *Louure*, and

D came to the ſaid houſe of the Archbiſhop, and thence conducted the Bride to a Theatre erected on purpoſe before the Frontiſpiece of *Noſtre-Dame*: The Duke of *Chevereux* had Black habit, lined with Cloth of Gold, and beſet with Diamonds; The Earls of *Carliſle* and *Holland*, Ambaſſadors, were both clad in Beaten-Silver, and went on each ſide of the Duke of *Chevereux*: A Canopy being placed upon the Scaffold, the King of *France* and Monſieur his Brother conſigned the Queen of *Great Britain* their Siſter into the hands of the Duke of *Chevereux*, and the

E Marriage was ſolemnized according to the ordinary Ceremonies of that Church.

Which being performed, they went in the ſame order and ſolemnity to *Noſtre-Dame*, the Duke of *Chevereux* going before the King. When they came to the door of the Quire, they made great Reverence to the King and Queen; and then the Ambaſſadors retired into the Biſhops houſe, while Maſs was ſaid in the Church.

The Maſs being ended, the Duke of *Chevereux* and the Ambaſſadors

F came again to the door of the Quire to take their places, and the ſame Order was obſerved in returning as in going; And ſo they came from the Church into the Hall of the Archbiſhops houſe, where the Feaſt Royal was made in as great magnificence as can be expreſſed. The King ſate under a Canopy at the middle of the Table, and the Queen of *Great Britain* at his left hand, and the Queen-Mother at his right; the Duke

of

An. 1625.

of *Chevereux* ſate next the Queen of *England*, and the Earls of *Carliſle* and *Holland* next to the Duke.

To the intent that all ſorts of perſons might partake of the Publick Joy, Priſoners for Debts were ſet at liberty, and Pardon was granted to ſeveral Criminals, as an earneſt of the Kings reſpect and love to his Siſter, after this new Alliance.

The *Duke* ſent into *France* for the *Queen*.

The Duke of *Buckingham* was ſent into *France* to his Chriſtian Majeſty, to ſend away the Wife to the King of *Great Britain*, and to be her Convoy. He arrived at *Paris* the 24. of *May*, with the Earl of *Montgomery* and other Engliſh Lords, and was lodged in the Palace of the Duke of *Chevereux*, who with his Lady was to conduct the Queen into *England*, there to render her to the King her Husband. During the ſeven days ſtay which the Duke made at *Paris* the Feaſtings and Rejoicings were renewed and multiplied, Bonfires ſhining and Canons playing; but none did equalize the Feaſt that was made by the Cardinal of *Richelieu*.

The Second of *June* was the time appointed for our Queens departure: The King of *France* ſent to the Towns in her way, to render her Majeſty all due honors, as if it were to himſelf.

A Royal Navy ſent to *Boloign* to tranſport the *Queen*.

The King of *England* having notice that the Queen was gone from *Amiens*, ſent a Royal Navy to *Boloign* to tranſport her; the Fleet ſaluted the Town with a hundred peece of Canon. Among other great Ladies, the Ducheſs of *Buckingham* was ſent to kiſs the Queens hands as from the King her Husband, deſiring her to take her own time of coming over with moſt conveniencie to her own perſon.

The 22. of *June* (New Stile) the Queen imbarqued at *Boloign*, and within Twenty four hours arrived at *Dover*: And as the King was preparing to receive her, ſhe ſent to his Majeſty to deſire him not to come till the morrow, becauſe ſhe had been ſomewhat indiſpoſed at Sea. She paſſed that night at *Dover*, and the next day about Ten of the clock the King was there with the Flower of the Nobility, and after ſome Complements paſt, cauſed every-body to retire, and they were half an hour together in the Cloſet.

The Marriage conſummated at *Canterbury*.

Thence his Majeſty conducted the Queen to *Canterbury*, and the ſame evening the Marriage was there conſummated.

Then the Queen, in teſtimony of her reſpect and love to the King her Husband, made it her firſt ſuit, (as afterwards the King made known) That he would not be angry with her for her faults of Ignorance, before he had firſt inſtructed her to eſchew them; For that ſhe being young, and coming into a ſtrange Country, both by her years, and ignorance of the Cuſtoms of the Nation, might commit many Errors: And ſhe deſired him in ſuch caſes to uſe no Third perſon, but by himſelf to inform her, when he found ſhe did ought amiſs. The King granted her requeſt, and thanked her for it, deſiring her to uſe him even as ſhe had deſired him to uſe her; which ſhe willingly promiſed.

The Trained Bands of *Kent* commanded to attend the *Queen*.

The Knights and Gentlemen of *Kent*, together with the Trained Bands, were by Order of the Council commanded to attend and receive the Queen at the moſt convenient places as ſhe paſſed, in ſuch ſolemn manner and equipage as beſeemed the dignity of his Majeſty, and the quality of her perſon. Likewiſe the Magiſtrates of the Cities and Towns were commanded to attend at her paſſage, in ſuch Formalities as are uſed in principal and extraordinary Solemnities.

The King and Queen come to *London*.

On the Sixteenth of *June*, the King and Queen came both to *London*: Great preparations were made and intended for her Majeſties reception;

reception; but the Plague then increasing, those Ceremonies were laid aside.

A Chappel built at *Somerset-house* for the Queen.

A Chappel at *Somerset-house* was built for the Queen and her Family, with Conveniencies thereunto adjoining for *Caputhin-Friers*, who were therein placed, and had permission to walk abroad in their Religious habits. Thence-forward greater multitudes of *Seminary-Priests* and *Jesuites* repaired into *England* out of Forein parts.

A great Plague in *London*.

A This Summer, the Pestilence raged in *London*. At the entrance of the late King there was a great Plague in the City, but this was far greater, and the greatest that ever was known in the Nation: For which cause a great part of *Trinity*-Term was adjourned from the First Return to the Fourth, by the advice of the Privy-Council and the Justices of the Courts at *Westminster*; and some few days in the beginning and ending thereof were holden for the better expediting and continuing of Causes and Suits, and the returning and suing out of Processes, and such like B business as might be done in the absence of the Parties by their Attornies.

The Parliament opened.

On the Eighteenth day of *June*, the Parliament began at *Westminster*. The King being placed in his Royal Throne, the Lords sitting in their Robes, the Commons also being present, his Majesty spake thus.

The Kings Speech in Parliament.

C "I Thank God, that the Business to be treated on at this time is of "such a nature, that it needs no Eloquence to set it forth; For I am "neither able to do it, neither doth it stand with my Nature to spend "much time in words. It is no new business, being already happily begun "by my Father of blessed memory, who is with God, therefore it needeth "no Narrative: I hope in God you will go on to maintain it, as freely as "you advised my Father to it. It is true, He may seem to some to have "been slack to begin so just and so glorious a work; but it was his wis- D "dom that made him loth to begin a work, until he might find a means "to maintain it: But after that he saw how much he was abused in the "confidence he had with other States, and was confirmed by your Advice "to run the Course we are in, with your Engagement to maintain it, I "need not press to prove how willingly he took your Advice; for, the "Preparations that are made are better able to declare it, then I to speak "it. The assistance of those in *Germany*, the Fleet that is ready for action, "with the rest of the Preparations which I have only followed my Father E "in, do sufficiently prove that he entred into this Action.

"My Lords and Gentlemen, I hope that you do remember that you "were pleased to imploy me to advise my Father to break off those two "Treaties that were on foot; so that I cannot say, that I came hither "a free unengaged man. It's true, I came into this business willingly and "freely like a Young man, and consequently rashly; but it was by your "interest, your engagement: So that though it were done like a Young "man, yet I cannot repent me of it, and I think none can blame me for it, "knowing the love and fidelity you have borne to your King, having F "my self likewise some little experience of your affections. I pray you "remember, that this being my first Action, and begun by your Advice "and intreaty, what a great Dishonor it were to you and me, if this "Action so begun should fail for that Assistance you are able to give me. "Yet knowing the constancie of your love both to me and this Business,

"I

An. 1625.

"I needed not to have ſaid this, but only to ſhew what care and ſenſe I "have of your Honors and mine own. I muſt intreat you likewiſe to "conſider of the Times we are in, how that I muſt adventure your lives "(which I ſhould be loth to do) ſhould I continue you here long; and "you muſt venture the Buſineſs, if you be ſlow in your reſolutions. "Wherefore I hope you will take ſuch grave Counſel, as you will expe- "dite what you have in hand to do: Which will do me and your ſelves "an infinite deal of honor; You, in ſhewing your love to me; and A "me, that I may perfect that work which my Father hath ſo happily "begun.

"Laſt of all, Becauſe ſome malicious men may, and as I hear, have "given out, that I am not ſo true a Keeper and Maintainer of the true "true Religion that I profeſs; I aſſure you that I may with S. *Paul* ſay, "that I have been trained up at *Gamaliels* feet; And although I ſhall be "never ſo arrogant as to aſſume unto my ſelf the reſt, I ſhall ſo far "ſhew the end of it, that all the World may ſee, that none hath been, B "nor ever ſhall be more deſirous to maintain the Religion I profeſs, then "I ſhall be.

"Now becauſe I am unfit for much ſpeaking, I mean to bring up the "faſhion of my Predeceſſors, to have my Lord Keeper ſpeak for me in "moſt things: Therefore I have commanded him to ſpeak ſomething "unto you at this time, which is more for formality, then any great mat- "ter he hath to ſay unto you.

C

The Lord Keepers Speech in Parliament.

Then the Lord Keeper *Coventry* declared, "That the Kings main "reaſon of calling the Parliament, beſides the beholding of his Subjects "faces, was to mind them of the great Engagements for the Recovery "of the *Palatinate*, impoſed on his Majeſty by the late King his Father, "and by themſelves who brake off the two Treaties with *Spain*. Alſo "to let them underſtand, That the ſucceeding Treaties and Alliances, "the Armies ſent into the *Low-Countries*, the repairing of the Forts, and "the Fortifying of *Ireland*, do all meet in one Centre, *The Palatinate*; D "And that the Subſidies granted the laſt Parliament, are herein already "ſpent, whereof the Accompt is ready, together with as much more of "the Kings own Revenue. His Lordſhip further commended three Cir- "cumſtances:

"Firſt, The *Time*; All *Europe* being at this day as the Pool of *Be- "thzſda*, the firſt ſtirring of the waters muſt be laid hold on: Where- "fore his Majeſty deſires them to beſtow this Meeting on him, or rather "on their Actions, and the next ſhall be theirs, as ſoon, and as long as E "they pleaſe, for Domeſtick buſineſs.

"Secondly, *Supply*: If Subſidies be thought too long and backward, "his Majeſty deſires to hear, and not to propound the way.

"Thirdly, The *Iſſue* of *Action*; which being the firſt, doth highly "concern his Majeſties Honor and Reputation, for which he relies upon "their Loves with the greateſt confidence that ever King had in his Sub- "jects; witneſs his Royal Poeſie, *Amor Civium Regis Munimentum*: "And he doubts not but as ſoon as he ſhall be known in *Europe* to be F "their King, ſo ſoon ſhall they be known to be a loving and loyal Na- "tion to him.

June 21. The Commons preſented Sir *Thomas Crew* Knight and Serjeant at Law for their Speaker, (who was alſo Speaker in the laſt Parliament of King *James*) and his Majeſty approved the Choice.

Sir *Tho. Crew* Speaker.

After

1 *Caroli.*

After the House of Commons had setled their General Committees, there were various Debates amongst them: Some insisted upon the Grievances mentioned, but not redressed by King *James* in the last Parliament; others pressed for an accompt of the last Subsidies granted for recovery of the *Palatinate*; others for the putting of Laws in execution against Priests and Jesuits, and such as resorted to Ambassadors Houses, and the questioning of Mr. *Richard Montague*, for his Book intituled *An Appeal to Cæsar*; which (as they said) was contrived and published to put a jealousie between the King and his well-affected Subjects, and contained many things contrary to the Articles of Religion established by Parliament; and that the whole frame thereof was an encouragement to Popery.

Debates in the House of Commons.

A

Others again declared, how the King no sooner came to the Crown, but he desired to meet his people in Parliament, it being the surest way to preserve a right understanding between him and them; that since he began to reign, the Grievances are few or none; and when he was Prince, he was observed to be very instrumental in procuring things for the Subjects benefit. Wherefore it will be the wisdom of this House to take a course to sweeten all things between King and People, and to express their duty to the King by giving Supply, and therewith to offer nothing but a Petition for Religion, that Religion and Subsidies may go hand in hand. And whatsoever they did, it was needful to do it quickly, considering how greatly the Plague increased, and the Bell was tolling every minute while they were speaking.

B

C

The Commons moved the Lords to joyn in a Petition to the King for a Publick Fast, whereunto their Lordships readily concurred; and the King consenting, a Proclamation was issued forth for a Fast throughout the Kingdom.

A Fast.

Several particular Committees were appointed. One to enquire of the Subsidies given the last Parliament, another to consider of Tonnage and Poundage. The Imposition on Wines was Voted upon the Merchants Petition, to be presented as a Grievance.

Committees chosen.

D

Sir *Edward Cook* went to the House of Peers with a Message from the Commons, desiring their concurrence in a Petition concerning Religion, and against Recusants; which being agreed unto and presented to the King, his Majesty answered, That he was glad that the Parliament was so forward in Religion, and assured them they should finde him as forward; that the Petition being long, could not be presently answered.

Message to the King, touching Religion and his Answer.

Mr. *Richard Montague* was brought to the Bar of the Commons House for his fore-named Book. This Cause began in the One and twentieth of King *James*, when he had published a former Book which he named *A New Gagg for an Old Goose*, in answer to a Popish Book, entituled *A Gagg for the New Gospel*. The business was then questioned in Parliament, and committed to the Archbishop of *Canterbury*, and ended in an Admonition given to *Montague*.

Mr. *Montague* brought to the Bar.

E

Afterwards the Bishops of the *Arminian* Party, consulting the Propagation of the Five Articles condemned in the Synod of *Dort*, concluded that Mr. *Montague* being already engaged in the quarrel, should publish this latter Book at first attested by their Joynt-Authorities, which afterwards they withdrew by subtilty, having procured the Subscription of Doctor *Francis White*, whom they left to appear alone in the Testimony, as himself ofttimes complained publickly. The Archbishop disallowed the Book, and sought to suppress it; nevertheless, it was Printed and

The *Arminian* party assert his cause.

F

An. 1625.

Dedicated unto King *Charles*, whereby that party did endeavor to engage him in the beginning of his Reign. The Houſe appointed a Committee to examine the Errors therein, and gave the Archbiſhop thanks for the admonition given to the Author, whoſe Books they Voted to be contrary to the Articles eſtabliſhed by the Parliament, to tend to the Kings diſhonor, and diſturbance of Church and State, and took Bond for his appearance.

The King takes *Montegues* buſineſs into his own hand.

Hereupon the King intimated to the Houſe, that the things determined concerning *Mountague* without his Privity did not pleaſe him; for that he was his Servant and Chaplain in Ordinary, and he had taken the buſineſs into his own hands, whereat the Commons ſeemed to be much diſpleaſed.

Two Subſidies preſented to the King.

Howbeit, to take away all occaſion of diſguſt from the King at the entrance of his Reign, both Houſes did humbly preſent two Subſidies granted to his Majeſty as the firſt-fruits of their love, whereof they craved acceptance.

The King accepts them, and deſires more.

The Lord *Conway*, Secretary of State, ſignified to the Houſe of Lords (the Commons being preſent) the Kings gracious acceptance of the Bill of Two Subſidies; Yet that the neceſſities of the preſent Affairs were not therein ſatisfied, but required their further Counſels: He reminded them, that the late King was provoked beyond his nature to undertake a War for the recovery of his Childrens Antient Patrimony: The charges of this War appeared by Computation to amount unto Seven hundred thouſand pounds a year to ſupport the *Netherlands*, and to prevent the Emperors deſign of concluding with the Princes of *Germany*, (utterly to exclude the *Palſgrave*) he levied an Army under Count *Mansfield*. The Kings of *Denmark* and *Sweden*, and the Princes of *Germany* levied another; *France*, *Savoy*, and *Venice*, joyned together for a War of Diverſion; and to uphold the *Netherlands*, the charges of *Mansfield* and *Denmarks* Army muſt yet continue.

A ſhort Anſwer to the Petition touching Religion.

After this the Lord Keeper delivered a ſhort Meſſage from the King to both Houſes, That to the Petition of the Lords and Commons touching Religion, his Majeſty was pleaſed at the firſt to anſwer Gratiouſly; but now he hath ſent them a fuller Anſwer, even an aſſurance of his real performance in every particular.

The Houſes were preparing ſeveral Acts, as againſt giving and taking of Bribes for places of Judicature; about preſſing of Soldiers, and Tonnage and Poundage, *&c.* But by reaſon of the great increaſe of the Plague, as appeared that week by the Bill of Mortality, the King being moved by the Houſes to grant a ſhort Receſs, adjourned the Parliament to *Oxford*, to reaſſemble the firſt of *Auguſt* following.

The Parliament adjourned to *Oxford*.

The Exchequer removed to *Richmond*.

And for the ſame reaſon, the receipt of the Kings Exchequer was removed from *Weſtminſter* to *Richmond*, and all Fairs within Fifty miles of *London* were prohibited to prevent a more general contagion.

The *Vantguard* and ſeven other Ships employed againſt *Rochel*.

In the time of this Receſs, the *Vantguard*, a principal Ship of the Royal Navy, with ſeven Merchant Ships of great burden and ſtrength, were lent to the French King, and employed againſt *Rochel*, which was thus brought about. King *James* in his life time, being in Treaty for a Marriage between his Son, and the now Queen; and entring into a War againſt the King of *Spain*, and his Allies in *Italy* and the *Valteline*, had paſſed ſome Promiſe for the procuring or lending of ſhips to the French King, upon reaſonable Conditions; but in no wiſe intending they ſhould ſerve againſt *Rochel*, or any of our Religion in *France*: For the French Miniſters

1 Caroli.

Miniſters pretended, that the Ships ſhould be employed onely againſt *Genoa*; but afterwards the Proteſtants in *France* intimating their ſuſpition, that the deſign for *Italy* was a meer pretence to make up an Army to fall upon the *Rochellers* and others of the Religion, King *James* willing to perform his promiſe, and yet to ſecure the Proteſtants, directed, that the greater number of thoſe that ſerved in the Ships ſhould be Engliſh, whereby he might keep the power in his own hands.

A For the performance of this Engagement, the forenamed Ships were at this time commanded to the Coaſts of *France*: Nevertheleſs there wanted a ſufficient care to prevent the abuſing and inſlaving them to the deſigns of the French King. Captain *John Pennington*, the Admiral of this Fleet, was much unſatisfied, and preſented to the Duke of *Buckingham*, Lord High Admiral, his Exceptions to the Contract between his Majeſty and that King, and cheifly for that the Companies were bound to fight at the French Kings Command, againſt any Nation except their B own; and that the French might put aboard them as many of their own people as they pleaſed. The Vantguard arived at *Deep*, but the reſt lingred behinde; for, the Companies underſtanding that the French deſign was to ſurpriſe the Ships and to block up the Harbor of *Rochel*, reſolved to ſink rather, then go againſt thoſe of their own Religion. Captain *Pennington* received Letters from the Duke, and a Warrant from Secretary *Conway* in the Kings Name, to command him to deliver up the Ships to the hands of ſuch Frenchmen as his Chriſtian Majeſty ſhall appoint, C but withal directing him not to diſſert his charge, by which latter paſſage he was willing to underſtand, that it was not the Dukes intention that he ſhould diſpoſſeſs himſelf and his Companies of them; for he ſuppoſed his Grace had no ſuch unjuſt thought as to continue him there alone.

Theſe Orders were delivered unto him by the hands of the French Ambaſſador, together with a Letter from the French King, which willed him to receive his Soldiers, and his Admiral, the Duke of *Montmorance*, D and joyn with his Fleet againſt his Rebellious Subjects. Whereupon the Ambaſſador urged the Surrender of the Ship, and nothing would ſatisfie him, but a preſent poſſeſſion, and a diſcharge of the Engliſh Soldiers, ſave a very few, in caſe they were willing to be entertained in the ſervice. *Pennington* after much diſpute, although he were promiſed an ample reward in Money to be given him at the Surrender, and of a Royal Penſion during his life, came to this reſolute Anſwer; That without an expreſs and clear Warrant he would not ſurrender nor diſcharge a E man of his Company. Whereupon the French Ambaſſadors Secretary came two ſeveral times to the Ship to proteſt againſt the Captain, as a Rebel to his King and Countrey; but at the making of the laſt Proteſt, which was accompanied with threatning Speeches, the Soldiers and Mariners grew into ſuch a fury and tumult, that they got up their Anchors and ſet ſail for *England*, ſaying, They would rather be hanged at home, then ſurrender the Ship or be Slaves to the French, and fight againſt their own Religion.

F All which Captain *Pennington* did not gainſay nor oppoſe; but when they came to Anchor in the *Downs*, he advertiſed the Duke of all that had hapned, and craved further direction, but complained of the Bondage of this Engagement, aſſuring him, That the Mariners would rather be hanged, then return again into *France*: So in all the reſt of the Ships, the Captains and Companies utterly refuſed the Service, and proteſted

An. 1625.

against it, though they were tempted with Chains of Gold, and other Rewards.

All this while the Body of the Council were ignorant of any other design then that of *Genoa*; then divers persons came over from the Duke of *Rohan*, and the Protestants of *France*, to sollicit the King and Council against lending of the Ships, and received fair Answers from them both. But the King sent an express and strict Order to *Pennington*, requiring him without delay to put his former Command in Execution, for the consigning of the Ship called the *Vantguard*, with all her furniture, into the hands of the Marques D' *Effiat*, assuring the Officers of the Ships, that he would provide for their Indempnity, and further commanding him to require the Seven Merchants Ships in his name, to put themselves into the Service of the French King, and in case of backwardness or refusal, to use all means to compel them thereunto, even to their sinking.

Upon this *Pennington* went back to *Deep*, and put the *Vantguard* into the absolute Power and Command of the French King to be employed in his Service at pleasure, and commanded the rest of the Fleet to the like Surrender. At the first, the Captains, Masters, and owners refused to yield, weighed Anchor, and were making away; but when *Pennington* shot, they came in again, but Sir *Ferdinando Gorge* came away with the Ship called the *Neptune*: The Companies unanimously declined the Service, and quitted the Ships, all but one Man, who was a Gunner; and *Pennington* hasted to *Oxford* where the Parliament was Reassembled, but as was voiced, was there concealed till the Parliament was dissolved.

The Parliament meets again at *Oxford*.

On the First of *August* the Parliament Reassembled at *Oxford*, whether the news of the Ships lent to the French against the besieged *Rochellers*, did quickly flie, and exasperate the spirit of that great Assembly against the Duke of *Buckingham*.

Grievances.

The Grievances insisted upon, were the mis-spending of the Publick Treasure, the neglect of guarding the Seas, insomuch that the *Turks* had leisure to land in the Western parts, and carry away the Subjects Captives. The Commons appointed a Committee to consider of secret Affairs, and to examine the Disbursements of the Three Subsidies and the Three Fifteens given to King *James*, for the Recovery of the *Palatinate*, and they prepared to assault the Duke. Also Mr. *Richard Montague* was summoned to appear according to the Condition of his Bond, and a Committee was appointed to proceed in the further Examination of that business.

Mr. *Montague* Summoned to appear.

His Cause recommended by the Bishops to the Duke.

Mr. *Montagues* Cause was recommended to the Duke by the Bishops of *Rochester*, *Oxford*, and *St. Davids*, as the Cause of the Church of *England*. They shew that some of the Opinions which offended many, were no other then the resolved Doctrine of this Church, and some of them are curious Points disputed in the Schools, and to be left to the liberty of Learned Men to abound in their own sense, it being the great fault of the Council of *Trent*, to require a Subscription to School Opinions, and the approved Moderation of the Church of *England*, to refuse the apparent Dangers and Errors of the Church of *Rome*; but not to be over-busie with Scholastical Niceties. Moreover in the present case, they alleage, that in the time of *Henry* the Eighth when the Clergy submitted to the Kings Supremacy, the Submission was so resolved, That in case of any difference in the Church, the King and the Bishops were to determine

1 Caroli.

determine the Matter in a *National Synod*; and if any other Judge in Matters of Doctrine be now allowed, we depart from the Ordinance of Christ, and the continual practice of the Church. Herewithal they intimated, That if the Church be once brought down below her self, even Majesty it self will soon be impeached. They say further, That King *James* in his rare wisdom and judgment approved all the Opinions in this Book; and that most of the contrary Opinions were debated at *Lambeth*, A and ready to be published, but were suppressed by Queen *Elizabeth*, and so continued, till of late they received countenance at the Synod of *Dort*, which was a Synod of another Nation; and to us no ways binding, till received by Publick Authority. And they affirm boldly, That they cannot conceive what use there can be of Civil Government in the Commonwealth, or of External Ministry in the Church, if such fatal Opinions as some are, which are opposite to those delivered by Mr. *Montague*, be publickly taught and maintained.

B Such was the Opinion of these forenamed Bishops; but others of Eminent Learning were of a different Judgment.

The Appeal to *Cæsar* disputed.

At *Oxford* in a late Divinity Disputation held upon this Question, Whether a Regenerate Man may totally and finally fall from Grace? The Opponent urging the Appeal to *Cæsar*, the Doctor of the Chair handled the Appellator very roughly, saying, He was a meer *Grammarian*, a Man that studied Phrases more then Matter; That he understood neither Articles nor Homilies, or at least perverted both; That he attributed he C knew not what vertue to the sign of the Cross, *Dignus Cruce qui asserit*; and concluded with an Admonition to the Juniors, That they should be wary of reading that and the like Books.

On the Fourth of *August*, the Lords and Commons were commanded to attend his Majesty in *Christs-Church Hall* in *Oxford*, where he spake unto them in manner following.

The Kings Speech in *Christ-Church*.

D "MY Lords, and you of the Commons, We all remember that "from your Desires and Advice, my Father now with God, "brake off those two Treaties with *Spain* that were then in "hand: Well you then foresaw, that as well for regaining my dispossess-"ed Brothers Inheritance, as home defence, a War was likely to succeed; "and that as your Councils had led my Father into it, so your assistance "in a Parliamentary-way to pursue it, should not be wanting. That aid "you gave him by Advice, was for succor of his Allies, the guarding of "*Ireland*, and the home part, supply of Munition, preparing and setting E "forth of his Navy. A Council you thought of, and appointed for the "War, and Treasurers for issuing of the Moneys: And to begin this "Work of your Advice, you gave Three Subsidies, and as many Fifteens, "which with speed were levied, and by direction of that Council of "War (in which the preparation of this Navy was not the least) dis-"bursed.

"It pleased God at the entrance of this Preparation (by your Advice "begun) to call my Father to his Mercy, whereby I entred as well to F "the care of your Design, as his Crown. I did not then as Princes do of "Custom and Formality Reassemble you, but that by your further Ad-"vice and Aid, I might be able to proceed in that which by your Coun-"sels my Father was engaged in. Your love to me, and forwardness "to further those Affairs, you expressed by a Grant of Two Subsidies "yet ungathered; although I must assure you, by my self and others,

"upon

An. 1625.

"upon credit taken up and aforehand disburſed, and far ſhort as yet to ſet "forth that Navy now preparing; as I have lately the eſtimate of thoſe "of care, and who are ſtill employed about it, whoſe particular of all ex- "pences about this preparation ſhall be given you, when you pleaſe to "take an accompt of it.

Lord *Conway* and Secretary *Cook*, by the Kings Command, declare the preſent ſtate of Affairs.

His Majeſty having ended his Speech, commanded the Lord *Conway*, and Sir *John Cook*, more particularly to declare the preſent ſtate of Affairs; which was done to this effect. A

"THat our Soveraign Lord King *James* of Famous Memory, at "the Suit of both Houſes of Parliament, and by the powerful "operation of his Majeſty that now is, gave conſent to break off "the Two Treaties with *Spain*, touching the Match and the *Palatinate*, "and to vindicate the many wrongs and ſcorns done unto his Majeſty and "his Royal Children: Beſides, if the King of *Spain* were ſuffered to pro- B "ceed in his Conqueſts under pretence of the Catholick Cauſe, he "would become the Catholick Monarch which he ſo much affects, and "aſpires unto. Alſo amidſt theſe Neceſſities, our late King conſidered, "That he might run a hazard with his people, who being ſo long inured "to Peace, were unapt to War; that the uniting with other Provinces "in this undertaking, was a Matter of exceeding Difficulty. This drew "him to new Treaties for regaining his Childrens right, which were ex- "pulſed by the Friends and Agents of *Spain*; and wherein his Majeſty C "proceeded as far as the wiſeſt Prince could go, and ſuffered himſelf to "be won unto that which otherwiſe was impoſſible for his Royal Nature "to endure. He conſidered alſo the many Difficulties abroad, the Duke "of *Bavaria* by Force and Contract had the *Palatinate* in his own poſſeſ- "ſion, moſt of the Electors and Princes of *Germany* were joyned with "him. The Eſtates of the other Princes moſt likely to joyn in a War of "Recovery, were ſeized and ſecured, and all by a Conquering Army: "Beſides, the Emperor had called a Diet, in which he would take away D "all poſſibility of recovering the Honor and Inheritance of the *Palatinate*; "thus it ſtood in *Germany*. And in *France* the King there choſe to ſheath "his Sword in the Bowels of his own Subjects, rather then to declare "againſt the Catholick Cauſe. In the *Low-Countreys* the Sect of the "*Arminians* prevailed much, who inclined to the *Papiſts* rather then to "their own ſafety, notwithſtanding that the Enemy had a great and "powerful Army near them; ſo that his Majeſty was inforced to Protect "and Countenance them with an Army of Six thouſand from hence, E "with a Caution of the like Supply from thence, if required. Moreover he "ſought Alliance with *France*, by a Match for his Royal Majeſty that now "is, thereby to have Intereſt in that King, and to make him a Party. The "laſt conſideration was his Majeſties own Honor, who had labored with "the two Kings of *Denmark* and *Sweden*, and the *German* Princes, from "whom he received but cold Anſwers; they refuſing to joyn, unleſs "they firſt ſaw his Majeſty in the Field. But of this he was very tender, "unleſs the League were broken, or he firſt warred upon. The Forces of F "an Army were conſidered, and the way of proceeding, whether by *In-* "*vaſion* or *Diverſion*: The Charges thereof appeared in Parliament to "be Seven hundred thouſand pounds a year; beſides, *Ireland* was to be "fortified, the Forts here repaired, and a Navy prepared; he thought it "feaſible to enter into a League with the French King, and the Duke of "*Savoy* and *Venice*.

"Here-

1 *Caroli.*

"Hereupon an Army was committed to Count *Mansfield*, the charge "whereof came to Seventy thousand pounds a Moneth for his Majesties "part; also he commanded the preparing of this great Fleet: All which "so heartned the Princes of *Germany*, that they sent Ambassadors to the "Kings of *Denmark* and *Sweden*; and those two Kings offered a greater "Army both of Horse and Foot, to which his Majesty was to pay a pro- "portion. Count *Mansfields* Army (though disastrous) produced these A "happy effects; First, It prevented the Diet intended by the Emperor. "Secondly, The *German* Princes gained new courage to defend them- "selves, and oppose their Enemies. Thirdly, The King of *Denmark* hath "raised an Army, with which he is marched in person as far as *Minden*. "Moreover, the Confederates of *France* and *Italy* have prosecuted a War "in *Milan*, and Peace is now made by the French King with his own "Subjects; so that by this means breath is given to our Affairs.

"This Parliament is not called in meer Formality upon his Majesties B "first coming to the Crown, but upon these Real Occasions to consult "with the Lords and Commons; Two Subsidies are already given, and "gratiously accepted; but the Moneys thereof, and much more are al- "ready disbursed. A Fleet is now at Sea and hastning to their Rendez- "vous, the Army is ready at *Plimouth*, expecting their Commanders. "His Majesties Honor, Religion, and the Kingdomes safety, is here en- "gaged; besides, he is certainly advised of Designs to infest his Domini- "ons in *Ireland*, and upon our own Coasts, and of the Enemies increase of C "Shipping in all parts. These things have called the Parliament hither, "and the present Charge of all amounts to above Four hundred thousand "pounds; the further prosecution whereof, the King being unable to "bear, hath left it to their Consultations. His Majesty is verily persua- "ded, That there is no King that loves his Subjects, Religion, and the "Laws of the Land, better then himself; and likewise that there is no "people that better loves their King, which he will cherish to the utter- "most. It was thought that this place had been safe for this Assembly, yet D "since the Sickness hath brought some fear thereof, his Majesty willeth "the Lords and Commons to put into the Ballance with the fear of the "Sickness, his and their great and weighty occasions.

Then the Lord Treasurer added, "That the late King when he died, "was indebted to the City of *London* 120000 l. besides Interest, and in- "debted for *Denmark* and the *Palatinate* 150000 l. and indebted for his "Wardrobe 40000 l. That these debts lie upon his Majesty that now is, "who is indebted upon *London* 70000 l. That he hath laid out for his Navy E "20000 l. and 20000 l. for Count *Mansfield*. And for Mourning and "Funeral expences for his Father 42000 l. For expences concerning the "Queen 40000. The Navy will require to set it forth in that Equipage "as is requisit for the great Design his Majesty hath in hand, and to pay "them for the time intended for this Expedition, 300000 l.

Lord Treasurer proceeds in that subject.

After this Conference, the Commons fell into high Debates, alleag- ing, That the Treasury was mis-employed; that evil Councels guided F the Kings Designs; that our Necessities arose through Improvidence; that they had need to Petition the King for a strait hand and better Coun- sel to Manage his Affairs: And though a former Parliament did engage the King in a War, yet (if things were managed by contrary Designs, and the Treasure misemployed) This Parliament is not bound by another Parliament, to be carried blindfold in Designs not guided by sound Coun- sel;

Debates in the House of Commons, touch- ing the pre- sent state of Affairs.

An. 1625.

ſel; and that it is was not uſual to grant Subſidies upon Subſidies in one Parliament, and no Grievances redreſſed. There were many Reflections upon the Dukes miſcarriages; likewiſe they reaſſumed the Debate concerning *Montague*; and they reſolved, That Religion ſhould have the firſt place in their Debates; and next unto it, the Kingdoms Safety, and then Supplies. Other particulars were likewiſe inſiſted on, That the King be deſired to Anſwer in full Parliament to the Petition concerning Religion, and that his Anſwer be Inrolled with the force of an Act of Parliament: Alſo that the Houſe conſider of the new prepared Fleet and Army, and whither intended, no Enemy being yet declared; That great Sums of Money were given for places, to the value of an Hundred and forty thouſand pounds at leaſt; that the King ſhould contribute to help the *Palatinates* Cauſe with his own Eſtate; that the time of the year was too far ſpent for the Fleet to go forth in Service; that inquiry be made, whether the Duke brake not the Match with *Spain*, out of Spleen and Malice to Conde *Olivares*; whether he made not the Match with *France* upon harder terms; and whether the Ships lent againſt *Rochel* were not maintained with the Subſidies given for the relief of the *Palatinate*; that an Adviſed Counſel for the Government of the preſent Affairs, and to look into the Kings Eſtate, is neceſſary; that his Majeſty be deſired to give his Anſwer concerning the Impoſition on Wines; and Select Committees draw out theſe Heads at large to be preſented to the King: The doing whereof, they ſaid was no Capitulation with his Majeſty, but an ordinary Parliamentary courſe: Without which, the Commonwealth could never ſupply the King, nor indeed ſubſiſt.

Soon after the Commons had a Conference with the Lords, deſiring their Concurrence in preſenting to the King, theſe Matters following.

Complaints againſt Papiſts favored, notwithſtanding the Kings Anſwer to the Petition againſt them.

That notwithſtanding the Lords and Commons at their laſt Meeting this Seſſion, did Petition his Majeſty for the advancing of Gods true Religion, and the ſuppreſſing of Popery; unto which his Majeſty vouchſafed as well from his own Mouth, as by the Lord Keeper, to return ſuch Anſwer as aſſured them of his Royal performance; yet at this Meeting they finde, That on the 12 of *July* laſt his Majeſty granted a Pardon unto *Alexander Baker* a Jeſuite, and unto Ten other Papiſts, which (as the Commons have been informed) was gotten by the importunity of ſome Foreign Ambaſſador, and paſſed by immediate Warrant, and was recommended by the Principal Secretary of State, without the payment of the ordinary Fees. And further, That divers Copies of Letters and other Papers being found in the houſe of one *Mary Eſtmonds* in *Dorſetſhire*, by two Juſtices of Peace, who thereupon tendred her the Oath of Alleagiance, and upon her refuſal committed her to the Conſtable, from whom ſhe made an eſcape, and complained to the King. The Principal Secretary did write to thoſe two Juſtices in favor of her.

Upon theſe Paſſages the Commons made Obſervations; firſt, upon the date of the Pardon, which was the next day after his Majeſties Anſwer by the Lord Keeper to their Petition concerning Religion; ſecondly, That the Pardon diſpenced with ſeveral Laws, as of the 21 and 27 of Queen *Elizabeth*, and of the Third of King *James*, provided to keep the Subjects in due obedience; thirdly, That the Pardon was ſigned by the Principal Secretary of State; and therefore the Commons declared, that theſe actings tended to the prejudice of true Religion, his Majeſties diſhonor, the diſcountenancing of the Miniſters of Juſtice, the grief of the good people, the animating of the Popiſh party, who by ſuch examples grew more proud

proud and insolent, and to the discouragement of the High Court of Parliament: All which they humbly desire his Majesty to take into due consideration, and to give effectual and speedy Redress therein. 1 *Caroli.*

The Lord *Conway* principal Secretary of State, being called to give an Accompt of this business, answered, That he ever hated the Popish Religion; That the Pardon was granted before the King answered their Petition, though it bore not date till afterwards; That the King commanded the doing thereof, and that no Fees should be taken; That he was commanded by the King to write a Letter in favor of the Woman in *Dorset-shire*, and what he did therein was to take off all scandal from the King, though it lighted upon himself.

This Conference no sooner ended, but both Houses were ordered to meet at *Christ-Church*, to receive an Answer to their Petition concerning Religion; To every Clause whereof his Majesty answered in a Parliamentary way. The Petition, Remedies, and the Kings Answer we give you intermixt, for the better understanding the Answer to every respective Clause distinctly.

To the Kings most Excellent Majesty.

Most Gracious Soveraign,

The Petition concerning Religion, together with his Majesties Answer.

IT being infallibly true, that nothing can more establish the Throne, and assure the peace and prosperity of the people, then the unity and sincerity of Religion; We your most humble and loyal Subjects, the Lords Spiritual and Temporal, and Commons of this present Parliament assembled, hold our selves bound in conscience and duty to represent the same to your Sacred Majesty, together with the dangerous Consequences of the increase of Popery in this Land, and what we conceive to be the principal Causes thereof, and what may be the Remedies.

The Dangers appear in these particulars.

I. In their desperate ends, being both the subversion of Church and State; and the restlesness of their spirits to attain these ends, the Doctrine of their Teachers and Leaders perswading them that therein they do God good service.

II. Their evident and strict dependencie upon such Forein Princes as no way affect the good of your Majesty and this State.

III. The opening a way of Popularity to the Ambition of any who shall adventure to make himself Head of so great a Party.

The principal Cause of the Increase of Papists.

I. The want of the due execution of Laws against Jesuites, Seminary Priests, and Popish Recusants; occasioned partly by the connivencie of the State, partly by defects in the Laws themselves, and partly by the manifold abuse of Officers.

II. The interposing of Forein Princes by their Ambassadors and Agents, in favor of them.

III. Their great Concourse to the City, and frequent Conferences and Conventicles there.

An. 1625.

IV. The open and usual resort to the Houses and Chappels of Forein Imbassadors.

V. The Education of their Children in Seminaries and Houses of their Religion in Forein parts, which of late have been greatly multiplied and enlarged for entertaining of the English.

VI. That in some places of your Realm, your people be not sufficiently instructed in the knowledge of true Religion.

VII. The licentious printing and dispersing of Popish and Seditious Books.

VIII. The imployment of men ill-affected in Religion in places of Government, who do, shall, or may countenance the Popish party.

The Remedies against this outragious and dangerous disease, We conceive to be these ensuing.

I. That the Youth of this Realm be carefully educated by able and Religious Schoolmasters, and they to be enjoined to Catechise and instruct their Scholars in the grounds and principles of true Religion. And whereas by many Complaints from divers parts of the Kingdom it both plainly appear, That sundry Popish Scholars dissembling their Religion, have craftily crept in and obtained the places of Teaching in divers Counties, and thereby infected and perverted their Scholars, and so fitted them to be transported to the Popish Seminaries beyond the Seas; That therefore there be great care in Choice and admitting Schoolmasters, and that the Ordinaries make diligent enquiries of their demeanure, and provide to the removing of such as shall be faulty or justly suspected.

His Majesties Answer.

"This is well allowed of; And for the better performance of what "is desired, Letters shall be written to the two Archbishops, and from "them Letters to go to all the Ordinaries of their several Provinces to "see this done; the several Ordinaries to give accompt of their doings "herein to the Archbishops respectively, and they to give accompt to "his Majesty of their proceedings herein.

II. That the antient Discipline of the Universities be restored, being the famous Nurseries of Literature and Vertue.

Answ. "This is approved by his Majesty; and the Chancellor of "each University shall be required to cause due execution of it.

III. That speciall care be taken to enlarge the Word of God throughout all the parts of your Gracious Dominions, as being the most powerful means for planting of true Religion, and rooting out of the contrary: To which end, among other things, let it please your Majesty to admitte your Bishops, by fatherly intreaty and tender usage to reduce to the peaceable and orderly course of the Church, such able Ministers as have been formerly silenced, that there may be a profitable use of their Ministry in

1 *Caroli.*

in these needful and dangerous times; And that Nonresidencie, Pluralities and Commendams may be moderated. Where we cannot forbear most humbly to thank your Majesty for diminishing the number of your own Chaplains; not doubting of the like Princely care for the well-bestowing of the rest of your Benefices, both to the comfort of the people, and the encouragement of the Universities, being full of grave and able Ministers unfurnished of Livings.

A

Answ. "This his Majesty likes well, so as it be applied to such "Ministers as are peaceable, orderly, and conformable to the Church-"Government. For Pluralities and Nonresidencies, they are now so mo-"derated, that the Archbishops affirm, there be now no Dispensations "for Pluralities granted; nor no man now is allowed above two Bene-"fices, and those not above thirty miles distant: And for avoiding Non-"residence, the Canon in that case provided shall be duly put in executi-B"on. For *Commendams*, they shall be sparingly granted, only in such case "where the exility and smalness of the Bishoprick requireth. Also his "Majesty will cause that the Benefices belonging to him shall be well be-"stowed. And for the better propagating of Religion, his Majesty re-"commendeth to the House of Parliament, that care may be taken and "provision made, That every Parish shall allow a competent maintenance "for an able Minister; And that the Owners of Parsonages Impropriate "would allow to the Vicars, Curates and Ministers in Villages and places C"belonging to their Parsonage, sufficient Stipend and Allowance for "Preaching Ministers.

IV. That there may be strict probition against transporting of English Children to the Seminaries beyond the Seas, and for the recalling of them who are already there placed, and for the punishment of such your Subjects as are Maintainers of those Seminaries, or of the Scholars; considering, that besides the seducing of your people, D great sums of money are yearly expended upon them, to the impoverishing of this Kingdom.

Answ. "The Law in this case shall be put in execution: And further, "there shall be Letters written to the Lord Treasurer, and also to the "Lord Admiral, That all the Ports of this Realm, and the Creeks and "Members thereof be strictly kept, and strait Searches made to this end: E"A Proclamation shall be to recall both the Children of Noblemen, and "the Children of any other men, and they to return by a day; Also "Maintainers of Seminaries or Scholars there, shall be punished accord-"ing to Law.

V. That no Popish Recusant be permitted to come within the Court, unless your Majesty be pleased to call him upon special occasion, agreeable to the Statute of 3 Jac. And whereas your Majesty for the F prevenring of apparent mischiefs both to your Majesty and the State, hath in your Princely wisdom taken order, that none of your natural born Subjects not professing the true Religion, and by Law established, be admitted into the service of your Royal Consort the Queen, We give your Majesty most humble thanks, and desire that your Order herein may be observed.

An. 1625.

Answ. "If his Majesty shall find or be informed of any Concourse "of Recusants to the Court, the Law shall be strictly followed: And "his Majesty is pleased, that by Proclamation the *British* and the *Irish* "Subjects shall be put in the same case. And as his Majesty hath pro- "vided in his Treaty with *France*, so his purpose is to keep it, That none "of his Subjects shall be admitted into his service, or into the service of "his Royal Consort the Queen, that are Popish Recusants.

A

VI. That all the Laws now standing in force against Jesuites, Seminary Priests, and others having taken Orders by Authority derived from the Sea of Rome, be put in due execution. And to the intent they may not pretend to be surprised, That a speedy and certain Day be prefixed by your Majesties Proclamation for their departure out of this Realm, and all other your Dominions, and not to return upon the severest Penalties of the Law now in force against them; And that all your Majesties Subjects may be thereby admonished not to receive, comfort, entertain, or conceal any of them, upon the Penalties which may be lawfully inflicted: And that all such Papists, Jesuites, and Recusants, who are and shall be imprisoned for Recusancie or any other cause, may be so strictly restrained, as that none shall have conference with them, thereby to avoid the contagion of their corrupt Religion: And that no man who shall be suspected of Popery, be suffered to be a Keeper of any of your Majesties Prisons.

B

C

Answ. "The Law in this case shall be put in execution, and a Pro- "clamation shall be to the effect desired; And such Restraint shall be "made, as is desired; And no man that is justly suspected of Popery, "shall be suffered to be Keeper of any his Majesties Prisons.

VII. That your Majesty be pleased to take such Order as to your Princely wisdom shall be expedient, That no natural born Subject, or strange Bishops, nor any other by authority from the Sea of Rome, confer any Ecclesiastical Orders to exercise any Ecclesiastical Function whatsoever, toward or upon your Majesties natural Subjects within your Dominions.

D

Answ. "This is fit to be ordered according as is provided, And it "shall be so published by Proclamation.

E

VIII. That your Majesties Learned Council may receive Order and commandment to consider of all former Grants of Recusants lands, that such of them may be avoided as are made to the Recusants use or interest, out of which the Recusant receiveth any benefit, which are either void, or voidable by the Law.

Answ. "The King will give order to his Learned Council to con- "sider of the Grants, and will do according as is desired.

F

IX. That your Majesty will be likewise pleased strictly to command all your Judges and Ministers of Justice, Ecclesiastical and Temporal, to see the Laws of this Realm against Popish Recusants to be duly executed; And namely, that the Censure of Excommunication be

1 *Caroli.*

be declared and certified against them; and that they be not absolved but upon publick satisfaction by yielding to Conformity.

Answ. "His Majesty leaves the Lawes to their Course, and will order "in the point of Excommunication as is desired.

A X. That your Majesty will be pleased to remove from places of Authority and Government all such persons as are either Popish Recusants, or according to direction of former Acts of State, to be justly suspected.

Answ. "This his Majesty thinks fit, and will give order for it.

B XI. That present order be taken for disarming all Popish Recusants, legally convicted, or justly suspected, according to the Laws in that behalf, and the Orders taken by his late Majesties Privy-Council upon reason of State.

Answ. "The Laws and Acts in this Case shall be followed, and put "in due execution.

C XII. That your Majesty be also pleased in respect of the great resort of Recusants, to and about London, to command forthwith upon pain of your indignation and severe execution of the Laws, that they retire themselves to their several Countries, there to remain confined within Five miles of their places.

Answ. "For this the Laws in force shall be forthwith executed.

D XIII. And whereas your Majesty hath strictly commanded and taken order, that none of the natural born Subjects repair to the hearing of Masses, or other Superstitious Service at the Chappels or Houses of Foreign Ambassadors, or in any other places whatsoever; we give your Majesty most humble thanks, and desire, that your Order and Commandment therein may be continued and observed, and that the Offenders herein may be punished according to the Laws.

Answ. "The King gives assent thereto, and will see that observed "which herein hath been commanded by him.

E XIV. That all such Insolencies, as any that are Popishly affected have lately committed, or shall hereafter commit to the dishonor of our Religion, or to the wrong of the true Professors thereof, be exemplarily punished.

Answ. "This shall be done as is desired.

F XV. That the Statute of 1 Eliz. for the payment of Twelvepence every Sunday by such as shall be absent from Divine service in the Church without a lawfull excuse, may be put in due execution, the rather for that the penalty by Law is given to the poor, and therefore not to be dispenced withal.

Answ.

An. 1625.

Answ. "It is fit that this Statute be executed, and the Penalties "shall not be dispenced withal.

XVI. Lastly, That your Majesty would be pleased to extend your Princely care also over the Kingdom of Ireland, that the like courses may be there taken for the restoring and establishing of true Religion.

Answ. "His Majesties cares are, and shall be extended over the "Kingdom of *Ireland*, and he will do all that a Religious King should "do for the restoring and establishing of true Religion there.

And thus (most gracious Soveraign) according to our duty and zeal to God and Religion, to your Majesty and your safety, to the Church and Common-wealth, and their peace and prosperity, we have made a faithfull Declaration of the present Estate, the causes and remedies of this increasing disease of Popery; humbly offering the same to your Princely care and wisdom. The Answer of your Majesties father, our late Soveraign of famous memory, upon the like Petition, did give us great comfort of Reformation; but your Majesties most gracious promises made in that kinde, do give us confidence and assurance of the continual performance thereof. In which comfort and confidence repoūg our selves, we most humbly pray for your Majesties long continuance in all Princely felicity.

The Petition and Answer being read, it was further intimated to the Commons, That as his Majesty took well their minding him of the care of Religion, so he would have done and granted the same things, though they had never petitioned him; neither doth he place his Answer to this Petition, as a wheel to draw on other affairs and designs, but he leaves them to move in their own Sphere; and what he hath done in this particular comes from these two Fountains, Conscience, and Duty to his Father, who in his last speech recommended unto him the Person, but not the Religion of his Queen.

The Duke renders an account to both Houses of the Fleet.

At the same time the Duke signified to both Houses, that by the Kings command, he was to give an account of the Fleet, and the preparations thereof; and said, that the first and last time he had the happiness to speak in that Auditory, it was of the Spanish Treaty, and then he was so happy, as to be honored and applauded by both Houses of Parliament; and he made no question, but speaking now with the same heart, he should be no less acceptable to them.

And he made this request to the House of Commons, to believe, that if any hath spoken, or shall speak in discharge of his conscience, his zeal of Reformation, any thing which may seem to reflect upon some particular persons, he shall be the last man that will apply this to himself, because he is confidently assured of two things: first, that they are just not to fall upon him without cause; and secondly, that himself shall do nothing that unbecomes a faithfull Englishman.

He speaks by way of Objection and Answer.

And for the Method of his ensuing Discourse, he chose rather to speak by way of Objection and Answer, then in one continued Speech, as a speedier means to give the Commons satisfaction.

Object. 1.

1 Caroli.

Object. 1. *By what Counsel those Designs and Actions of War were carried and enterprised?*

Answ. By the Counsel of the Parliament appointed according to the Act of both Houses, the 23. of *March* 1623. by those Counsels his Majesty was guided, and applied himself accordingly for the defence of the Realm, the securing of *Ireland*, the assisting of our Neighbors and others our Friends and Allies, and for the setting forth the Navy-Royal. His Majesty looking into his purse, saw enough to do all the former Actions, but not this latter: For when he came to consider of the Navy, there was neither money nor preparations; yet looking upon the Affairs of *Christendom*, he found that of most necessity: Hereupon his Majesty of famous memory did him (*viz.* the Duke) the honor, as to write from *Newmarket* to him at *London* a Letter to this effect; That looking into the Affairs of *Christendom*, he found it necessary, that a Royal Fleet shou d be prepared and set in readiness, but that he had no Money; wherefore himself (meaning the Duke) and his Friends must begin to lay it out, and no doubt but others would follow; and by this means the King might lie the longer concealed and undiscovered in the Enterprise, as bearing the name of the Subject onely, and other Princes in hope to draw him on, would sooner come to the business.

Upon this Letter, the Duke said, he leaped into the Action with all alacrity, and having received all he had from his Majesty, was most desirous, and held it a happiness to pour it out upon his service and occasions, and had laid out of his own purse Four and forty thousands pounds; and the Treasurer of the Navy, at his request, had laid out Fifty thousand pounds; that he entred not into this business upon his own head, but fortified with the Advice and Counsel of those worthy persons, the Lord *Conway*, the Lord *Chichester*, Lord *Grandison*, Lord *Carew*, Sir *Robert Mansel*, and Sir *John Cook*.

Their last consultation was of the War, next of the means; but both one and the other was justified by more then himself; he never did any thing but by them; he either repairing unto them, or else they did him the honor to resort to his Chamber; afterward the business, with the Kings leave, was imparted to all the Lords of the Council, and the account was made unto them, and allowed by them, who said there openly, his Majesty being present, that if this were put in execution, it would do well, and gave some Attribute unto it.

And Sir *John Cook* justified the shewing and the approving of these Accounts at the Council Table; the Accounts consisted of long particulars of Souldiers to be levied, Mariners to be pressed, forwarding of Ships and provisions, and that nothing wanted but Money.

He proceeded yet further, and shewed, that he was so Religious to guide these great Affairs by Council, as that at his journey into *France*, which fell out about this time, he desired his Majesty to recommend the business to a select Council, which his Majesty did, who in his absence took care of the same.

Object. 2. *Why did not his Majesty declare the Enemy presently upon granting those three Subsidies?*

Answ. His Majesty considered the State of *Christendom* at that Season, and found it full of danger to declare the Enemy for three Reasons: First, because the great Enemy would be more prepared; secondly, *Spain* being the Enemy, our Merchants goods would be imbarged which are now drawing home; thirdly, our Friends finding us so long unpre-

An. 1625. prepared after our Declaration, would never believe any reality in our intentions.

Object. 3. *Whether a considerable sum of money be yet required?*

Answ. Forty thousand pounds is yet necessary, but our Master is exhausted, his Treasure anticipated, his Lands pawned, his Plate offered to be pawned, but not accepted, and yet his Majesty must be maintained.

Object. 4. *Why was not this want of Money foreseen, but now onely thought upon unexpectedly, and dangerously considering the sickness?*

Answ. It was foreseen before, but interrupted by unfortunate accidents; the death of the late King; the Funeral, which for decency could follow no sooner; the Journey into *France*, and the Marriage, which procured more delay then was expected, but necessary.

At the opening of the Parliament his Majesty did declare this Necessity, and told the House plainly, that this sitting must not be for Counsel, but Resolution; and when he understood the grant of two Subsidies, he conceived that money to be a matter of Custom to welcom him to the Crown.

Object. 5. *Who gave counsel to his Majesty so suddenly when the sickness was so dangerously spread, to convene this Parliament?*

Answ. His Majesty commanded him (the Duke) to say, that it was the business it self that gave this counsel, and the necessity of it, else his Majesty would not have hazarded the two Houses nor the rest of the Kingdom, if he had been able any way without the Parliaments Supply to set out the Navy.

Object. 6. *Is not the time of the year too far spent for the Navy to go forth?*

Answ. The King answered this formerly, better half the Navy perish then the going thereof should be stayed; it would argue such want of Counsel, Courage and Experience in the Design, such beggerliness in being not able to go through with it, that it may not be diverted, the season of the year suiting with the Design, as could be demonstrated, if the Design might not be published thereby.

Object. 7. *Whether those Eight Ships lent to the French King, which were imployed against the Rochellers, were not paid with the Subsidy-money?*

Answ. Those Eight Ships were imployed at the charge of the French King: Secondly, it is not alway fit for Kings to give account of their Counsels; judge the thing by the event.

Object. 8. *Whether the Duke, having been our Servant to break the Match with* Spain, *made not a worse Match with* France; *and upon harsher terms?*

Answ. I hope the contrary will appear by the Answer to your Petition.

Object. 9. *Did not the Duke serve us in breaking the two Treaties with* Spain, *out of spleen and malice to* Conde Olivares?

Answ. There was no cause to hate *Olivares*, who was the means to make him happy; for out of his hands came those papers by which the Duke gained the love of this Nation, which before thought not so well of him; he was not vindicative in his Nature, he can forgive those which had no such natural respect to their Country, as *Olivares* had; neither doth the Duke love that any man should be an instrument by ill means to do a good Action, as *Olivares* intended to serve his Master and Kingdom by indirect means; and he could make a proof, that he was not vindicative, he can forgive one of our own Nation that con-

1 *Caroli.*

concurred with *Olivares*, but he was minded to leave that buſineſs aſleep, which if it ſhould awake, would prove a Lion to devour him, who (as he ſaid) he meant one of our * Nation, who cooperated with *Olivares*.

* The Earl of Briſtol.

Object. 10. *It will be objected, That hitherto the Duke ſpeaketh of imincenſe charges, which the Kingdom is not able to bear; as to aſſiſt the King of* Denmark *with Thirty thouſand pounds* per *Moneth, Count* Mansfield *with Twenty thouſand pounds* per *Moneth, the* Low-Countries *with Eight thouſand pounds* per *Moneth, and Two thouſand ſix hundred pounds* per *Moneth for* Ireland?

A

Anſw. Make the King Chief of the War by a diverſion, and he will give a greater advantage to all his Allies, then by allowing of them Fifty thouſand pounds, nay, a Hundred thouſand pounds *per* Moneth. What is it for his Allies to ſcratch with the King of *Spain*, to take a Town to day, and loſe it to morrow? for it is almoſt impoſſible to hope for a Conqueſt in this kinde, the King of *Spain* being ſo able by Land; but let

B

the King our Soveraign be Maſter of the Wars elſewhere, and make a Diverſion, and let the Enemy be compelled to ſpend his Money and Men in other places, and our Allies in thoſe parts will be ſuddenly and perceivedly ſtrengthened and enabled; and by this kinde of War you ſend no Coyn out of the Land, you iſſue nothing but Beef, Mutton, and Powder, and the Kingdom is not impoveriſhed, but may make good Returns.

Object. 11. *But where is the Enemy?*

C

Anſw. Make the Fleet ready to go out, and the King bids you name the Enemy your ſelves, put the Sword into his Majeſties hands, and he will improve it to your honor, and the good of Religion; as you iſſue nothing that is loſs, ſo you will bring home ſomething that is gain, and henceforward maintain the War by the perquiſites thereof; make but once an Entrance, it may afterwards be maintained with profit; when the Enemy is declared, you may have Letters of Mart, none ſhall be denied: I have not been ſo idle, but I ſhall make Propoſitions of

D

advantage, whither your ſelves may go, and ſhall have the honey of the buſineſs.

Auguſt 9. 1625.

The Dukes Relation accaſioned variety of Opinions in Parliament.

After the Commons returned from the Houſe of Lords, they made Report of this Buſineſs unto the Houſe, which occaſioned variety of Opinions: Some were for giving the King preſent Supply, who had made ſo gracious an Anſwer to the Petition for Religion, and given direction that

E

the ſame ſhould be Inrolled, preſſing further, That this Supply was not for the Kings own particular Wants, but for the Honor and Defence of the Kingdom, and that it might prove dangerous not to comply with the King in a modeſt and juſt deſire.

Others were of a contrary minde, and ſaid, It was requiſite to preſent to his Majeſty the means how he may live glorious at home, and how he may be feared abroad, by having his Deſigns better mannaged, and an

F

Enemy Declared: Then may ſpurs be added to the Sea-horſe, and the King of *Spain* infeſted at a leſſer charge, and we better ſecured from Papiſts at home, whoſe hearts are knit with the Spaniard, and whoſe Eſtates may liberally contribute to the War, and the great Sums given for Honors and Offices, would go far in ſetting forth a Fleet at Sea, and the Subject not be always importuned for Supply. But the further Debate of this Buſineſs was put off till the next day being *Wedneſday* the Tenth of *Auguſt*.

An. 1625.

The Kings Meſſage to the Commons.

The next day the King ſends a Meſſage to the Commons, wherein he takes notice, that the Houſe intended to enter into Conſideration of divers heads concerning the King and the Common-wealth, that he was pleaſed with their good intentions, but deſired them to conſider his Affairs, which require a ſpeedy diſpatch; the ſeaſon of the year was far ſpent, yet the time not unſeaſonable for the Deſign; that if the Plague ſhould happen in the Navy, the Action would be loſt; that if any of the Houſe ſhould be touched with the ſickneſs, much inconvenience would enſue by an abrupt breaking up; therefore deſires a preſent Anſwer about Supply; if not, he will take more care of the Commons then they will of themſelves, and will make as good a ſhift for himſelf, as he can, to go through with this preſent occaſion, and offereth that the Parliament ſhall meet again in Winter, at what time they pleaſe, upon his Royal word, and hold together till they have perfected all things for the good of the Common-wealth and the King, which are now in conception; and deſires them to conſider it was the firſt Requeſt that ever he made unto them. A B

Debates upon the Kings Meſſage.

Hereupon ſome earneſtly preſſed the giving of two Subſidies, and two Fifteens, his Majeſties honor, and the Neceſſity of his Affairs requiring it, as it appeared out of Conſiderations already frequently repreſented.

Others replied, that *Neceſſity* is a dangerous Counſellor, and is a continual Argument of Supplies in all Parliaments; that thoſe Counſellors who have put the King and Kingdom into ſuch a Neceſſity and hazard, ought to anſwer for it, whoſoever they be; that if the State of things will not admit a Redreſs of Grievances, ſurely there is not ſo much neceſſity for money; to give Subſidy upon Subſidy in one Parliament is not uſual; in the Eighteenth year of *Henry* the third, there was one puniſhed for preſſing of more Subſidies, when Subſidies had been granted before in that Parliament. In the end it was propoſed, that a Report be made to the King, that they have regard to his Honor, Neceſſity and Safety, and the ſafety of the Kingdom, and that they will aſſiſt his Majeſty in any honorable Action, grounded upon ſound Councils; and that ſomething be drawn up in writing to that purpoſe; accordingly the Houſe agreed upon a ſhort Declaration, which was aſſented unto without a Negative. C D

The Commons Declaration.

WE the Knights Citizens and Burgeſſes of the Commons Houſe of Parliament, being the Repreſentative body of the whole Commons of this Realm, abundantly comforted in his Majeſties late gracious Anſwer touching Religion, and his Meſſage for the care of our health, do Solemnly proteſt and vow before God and the World, with one heart and voice, that we are all reſolved, and do hereby declare, that we will ever continue moſt Loyal and obedient Subjects to our moſt gracious Soveraign Lord King Charles, and that we will be ready in convenient time, and in a Parliamentary way freely and dutifully to do our utmoſt endeavors, to diſcover and reform the Abuſes and Grievances of the Realm and State, and in like ſort to afford all neceſſary Supply to his moſt Excellent Majeſty, upon his preſent, and all other his juſt Occaſions and Deſigns; moſt humbly beſeeching our ſaid Dread Soveraign in his Princely wiſdom and goodneſs, to reſt aſſured of the true and hearty affections of his poor Commons, and to eſteem the ſame to be (as we conceive it is indeed) the greateſt worldly reparation and ſecurity that a juſt King can have: E F

have; and to accompt all such as slanderers of the peoples affections, and Enemies to the Common-wealth, that shall dare to say the contrary. 1 *Caroli.*

This Declaration was sent to the King by such of the Privy-Council as were Members of the House.

Notwithstanding, the King perceiving the House resolved against Supply, without Redress of Grievances, and in their Debates to reflect upon some great Persons near unto him; the 12th of *August* sent to the House of Peers a Commission, directed to several Lords, for the Dissolution of the Parliament; whereupon the Gentleman-Usher was commanded to signifie to the Speaker of the House of Commons, that the Lords had received his Majesties Commission, which was read unto both Houses; whereupon the Commons with their Speaker went up presently to the Lords, heard the Commission read, and the Parliament declared to be dissolved. The Parliament dissolved.

At this Parliament begun and holden by Prorogation at *Westminster* the 18th day of *June*, *Anno Regis Caroli Primo*, 1625. these Acts were passed.

1. AN Act for the punishing of divers Abuses committed on the Lords-Day, commonly called *Sunday*.

2. An Act to enable the King to make Leases of Lands, parcel of the Dutchy of *Cornwal*.

3. An Act for the ease of obtaining Licenses of Alienation, and in the pleading of Alienations with licence, or of Pardons of Alienations without licence in the Court of Exchequer or elsewhere.

4. An Act to restrain Tipling in Inns and Ale-houses.

5. An Act for the Subsidy of the Clergy.

6. An Act for the two Subsidies of the Temporalty.

7. An Act that this Session of Parliament shall not determine by his Majesties assent to this and some other Acts.

8. An Act to confirm an Agreement between the King and the Copyholders of *Macclesfield*, in *Com. Cestr.* &c.

9. An Act for the settlement of an Agreement of the Tenants of *Chelvenham*, and *Ashby*, *alias Charleton*, between the King and Sir *Giles Grival* Knight.

The Parliament being dissolved, the King followed his Design of War, and resolved that the Fleet should speedily put out to Sea; he also entered into a League with the *United-Provinces*, against the Emperor and King of *Spain*, for restoring the Liberties of *Germany*; the States by their Ambassadors sought this Union, and the Duke of *Buckingham*, with the Earl of *Holland* were sent to the *Hague* to conclude the same, as also to comfort the Kings distressed Sister with hopes of a Restitution. The King follows his Design of War.

Soon after his Majesty issued forth a Proclamation, whereby he commanded the return, within limitted time, of all such children of Noblemen, and others his natural Subjects, who were now breeding up in Schools and Seminaries, and other houses of the Popish Religion beyond the Seas: That their Parents, Tutors, and Governors take present order to recal them home, and to provide that they return by the The Kings Proclamation to recal home children of Recusants.

An. 1625.

the day prefixt, at the utmoſt ſeverity of his Majeſties Juſtice; and he commanded further, That no Biſhop, Prieſt, or any other perſon having taken Orders under any Authority derived from the Sea of *Rome*, do preſume to confer Eccleſiaſtical Orders, or exerciſe Eccleſiaſtical Function or Juriſdiction towards any of his natural Subjects in any of his Dominions; and that all Statutes in force be put in due execution againſt Jeſuites, Seminaries, and others in Popiſh Orders, prefixing a day for their departure out of his Dominions, not to return again upon the ſevereſt penalties of the Law. A

In the time of the late King, very many of the natural Subjects of theſe Dominions had by publick permiſſion betaken themſelves to the ſervice of the Emperor, the King of *Spain*, and Archdutcheſs of the *Low-Countries*, and by this means they fought againſt others of their Country-men that were imployed by the States of the *United-Provinces*, and on the behalf of the exiled *Palatine*: But now the King foreſeeing how improper and unnatural it were, that his own natural Subjects ſhould upon any occaſion or accident draw their ſwords one againſt the other, or any of them againſt their own Soveraign, did by advice of his Privy-Council ſtraitly command all thoſe his Subjects who were under the pay of the Emperor, the King of *Spain* or Archdutcheſs, ſpeedily to return to their Native Countries, where they ſhould be received and imployed, as occaſion ſerved, according to their ſeveral qualities. B

The diſſolution of the Parliament preventing the Act of Subſidies, the King drew Supplies from the people by borrowing of perſons able to lend, ſuch competent ſums of money as might diſcharge the preſent occaſions; accordingly he directed Letters of the following Tenor to the Lords-Lieutenants of the Counties. C

Right Truſty and Welbeloved, &c. D

The Kings Letter to the Lieutenants for the Loan of Money upon Privy-Seals.

IT hath been ſo uſual a thing for Kings and Princes of this Realm to make uſe of their Subjects good affections, by borrowing ſome ſuch competent Sums of Money of Perſons able to lend, as might ſupply thoſe preſent occaſions for Publick Service, which cannot attend that length of time wherein it can be raiſed by contribution by the generality of our Subjects: As we have not onely preſent occaſion to make the like Trial, by borrowing from ſome private Gentlemen and others, but alſo of your ſincerity and endeavors in furtherance of the ſervice; that is to ſay, in taking ſome courſe either out of your own knowledg and experience, or by any other Means or Inſtruments which you like beſt, to make Collection of as many Perſons Names within the County wherein you are Lieutenant, as may be of ability to furniſh us with ſeveral Sums at this time; and therefore to return in a Book, both the Names of the Perſons, their Dwellings, and what Sums you think they may ſpare; that we may thereupon direct our Privy-Seals unto them, according to the form of this incloſed. E

And for your further inſtruction in this Caſe, on whoſe Truſt we do ſo much repoſe, we wiſh you to adviſe herein with your Deputy Lieutenant, as thoſe from whom we have ſpecial cauſe to promiſe our ſelves all good Offices of duty and affection: To which we muſt add thus much further, That we do not intend at this time to deal with any Nobleman; neither are you to deal with any of the Clergy; becauſe we have reſerved that Direction to the Metropolitans of the ſeveral Provinces, to proceed onely with ſome ſpecial F

Perſons

persons that are known to be men of wealth and ability, and not meerly subsisting upon those Livings, which in most places are far inferior to that Maintenance we could wish them. By which course and consideration of ours, though you may perceive how much we desire to procure this Loan without inconvenience to any, which is only intended for the service of the Publique, yet must we assure you, that we had no greater cause at any time then now to make use of your integrity and industry in respect of your election of the Lenders, and of your constant demonstration both of diligence and affection to the service. Having now delivered unto you as much as for the present can be expected from us, We will refer you for any further direction unto our Privy-Council, as hereafter occasion shall require: To whom our pleasure is, you do return your Certificates in manner and form as is aforesaid, at the most within Twenty days after the Receipt of these our Letters. Given at, &c.

The Comptroller of the Kings Houshold, by the Councils Order, issued forth Letters in the Kings name under the Privy-Seal to the several persons returned for the Loan of Money, in form as followeth.

Trusty and Welbeloved, &c.

Privy-Seals issued forth to certain Persons.

HAving observed in the Presidents and Customs of former Times, that all the Kings and Queens of this Realm upon extraordinary occasions have used either to resort to those Contributions which arise from the generality of Subjects, or to the private helps of some well-affected in particular by way of Loan: In the former of which courses, as we have no doubt of the love and affection of our People when they shall again assemble in Parliament, so for the present we are enforced to proceed in the latter course, for supply of some portions of Treasure for divers Publick services, which without manifold inconveniences to us and our Kingdoms cannot be deferred. And therefore this being the first time that we have required any thing in this kind, we doubt not but we shall receive such a testimony of your good affection from you (amongst other of our Subjects) and that with such alacrity and readiness, as may make the same so much the more acceptable, especially seeing we require but that Sum which few men would deny a Friend, and have a mind resolved to expose all our Earthly fortune for preservation of the General. The Sum which we require of you by these Presents, is — Which we do promise in the name of Us, our Heirs and Successors, to repay to you or your Assigns within Eighteen moneths after the paiment thereof unto the Collector. The person whom we have appointed to collect it, is To whose hands we do require you to send it within Twelve days after you have received this Privy-Seal; which together with the Collectors Acquittance shall be sufficient Warrant unto the Officers of our Receipt for the repaiment thereof at the time limited. Given at, &c.

The Collectors of this Loan were appointed to pay into the *Exchequer* the Sums received, and to return the Names of such as discovered a disposition to delay or excuse the paiment of the Sums imposed.

Amidst the preparations for War with *Spain*, the Privy-Council issued out Warrants for the disarming of Popish Recusants, grounding their Order upon the Petition of the late Parliament.

An. 1625.

Warrants for disarming Recusants.

HIs Majesty and we of his Council having received information from so many several parts, of the bold and impudent speeches used by many Romish Catholicks of this Realm, declaring how much they are offended with the gracious satisfaction given by his Majesty to the Lords and Commons in Parliament in the points concerning the Conservation of true Religion, as it is at this day by Authority preached in the Church of England; And having just cause to doubt, that many violent Papists, through the instigation of Jesuited Priests, may be inclined to take part with such as we well understand at this time practise with the Kings Subjects to raise stirs and tumults, which they do not only foment by persuasions and instigations, but with promise of assistance and seconding them with Arms, their pretext being Religion, but their ends Conquest, pushed thereunto by an unlimited Ambition to a General Monarchy, of which we have too large and clear proof: And although we do not misjudge and condemn all his Majesties Subjects Romish Catholicks, but believe that many of them will imploy their Arms and lives in his service; Yet because we are not able to distinguish between the well and worse affected, We have seconded with one Advice his Majesties Princely inclination, following the example of his wise Predecessors of happy memory and government, to take out of the possession of all Romish Recusants convicted or justly suspected, according to the Acts of State heretofore expressed, all such Martial Ammunitions, Arms and Weapons as shall be found in their houses, or discovered to be in the houses of any other persons belonging by right to any of the said Romish Recusants; But so that the said Arms be only taken to be safely kept, and the Property to be reserved to the Owners, according to the former Precedents in like Cases.

Letters directed to Lords Recusants.

This Design proceeded, and the Council directed their Letters to these Lords Recusants, *viz.* The Marquis of *Winchester* and the Lord *St. John* his son, Lord Viscount *Mountague*, Lord Viscount *Colchester*, Lord *Peter*, the Earl of *Castlehaven*, Lord *Morley*, Lord *Vaux*, Lord *Eures*, Lord *Arundel* of *Warder*, Lord *Tenham*, Lord *Herbert*, Lord *Windsor*; requiring them to render their Arms and Furniture thereunto belonging, together with all their Habiliments of War, to be removed into places convenient, and to remain there till the King shall determine otherwise.

Concourse of Papists prevented.

Moreover the Privy-Council having received information from the Lords-Lieutenants in divers parts of the Kingdom, That there was great and unaccustomed Resort to the houses of Papists, and that other Courses justly to be suspected were held among them, Authorised the Lords-Lieutenants to examine the truth and reason of such Assemblies and Entertainment, and of the conveyance and intercourse of Letters; as also to enquire and search if there were any preparation of Men or Arms, or Practice of Arms, or endeavors of Alteration among persons discontented with the present Government.

Viscount *Wimbleton* Commander in Chief in the Voyage to *Cadez*.

In the mean time the Fleet was ready, and Ten brave Regiments were designed for this Expedition. The Duke not going in person, Sir *Edward Cecil* was created Lord Viscount *Wimbleton*, and made Commander in Chief.

In

1 *Caroli.*

In the Choice of the Officers for this ſervice, Sir *Robert Manſel* an experienced Sea-Commander was neglected, which much diſguſted the Mariners.

The Common Cenſure that paſſed both upon the Duke and this Enterpriſe, may be known by the Lord *Cromwels* free language to the Duke in this Letter.

Lord *Cromwels* Letter to the Duke touching the Fleet.

A *They offer to lay wagers, the Fleet goes not this year; And that of neceſſity ſhortly a Parliament muſt be, which when it comes, ſure it will much diſcontent you. It is wondred at, that ſince the King did give ſuch great Gifts to the Ducheſs of* Chevereux, *and theſe that then went, how now a ſmall Sum in the Parliament ſhould be called for at ſuch an unſeaſonable time: And let the Parliament ſit when it will, begin they will where they ended. They ſay, the Lords of the Council knew nothing of Count* Mansfield's *Journey, or this Fleet; which diſcontents even the beſt ſort, if not all. They ſay, it is a* B *very great burden your Grace takes upon you, ſince none knows any thing but you: It is conceived, that not letting others bear part of the burden you now bear, it may ruine you, (which Heaven forbid.) Much diſcourſe there is of your Lordſhip here and there, as I paſſed home and back; And nothing is more wondred at, then that one Grave man is not known to have your ear, except my good and Noble Lord* Conway. *All men ſay, if you go not with the Fleet, you will ſuffer in it: becauſe if it proſper, it will be thought no act of yours; and if it ſucceed ill, they ſay it might have been better, had not you guided the King.* C *They ſay, your undertakings in the Kingdom will much prejudice your Grace: And if God bleſs you not with goodneſs as to accept kindly what in duty and love I here offer, queſtionleſs my freedom in letting you know the diſcourſe of the world, may much prejudice me. But if I muſt loſe your favor, I had rather loſe it for ſtriving to do you good in letting you know the talk of the wicked world, then for any thing elſe; ſo much I heartily deſire your proſperity, and to ſee you trample the ignorant multitude under foot. All I have ſaid is the Diſcourſe of the World; and when I am able to judge of Actions, I will freely tell your Lord-*D *ſhip my mind: Which when it ſhall not always incline to ſerve you, may all Noble thoughts forſake me.*

The Earl of *Warwick* ſecures *Langer-Point* in *Eſſex.*

But whilſt the Engliſh Fleet was preparing for this Voyage, great Reports were given out, that the *Spaniard* would land Forces upon the Coaſt of *Eſſex*. Wherefore the Earl of *Warwick* was commanded with Three thouſand of the Trained Bands of *Eſſex* to ſecure the Port of *Harwich*, and *Langer-Point*; which ſervice he performed with much readineſs: But upon the Blocking up of *Dunkirk* with Ships belonging to the *Engliſh* E and to the States of the *United Provinces*, his Lordſhip was ordered to diſmiſs his men.

Engliſh and Dutch Fleet before *Dunkirk* diſperſed by a ſtorm.

Preſently after, Advertiſements came to the Council, That both the Engliſh and Dutch Ships deſigned to block up *Dunkirk*, whilſt our Fleet was gone to *Spain*, were diſperſed by a ſudden ſtorm; and that Two and twenty Ships of *Dunkirk*, Men of War, having Four thouſand Land-ſoldiers, were at liberty to rove up and down and do miſchief at Sea. Here-F upon the Council by their Letters to the Lords Lieutenants of the Counties upon the Seacoaſts, required that the Trained-Bands be in readineſs with compleat Armor and other Furniture, to march upon all Alarms to what place ſoever the neceſſary defence thereof ſhall require. Alſo upon intelligence, that theſe Two and twenty *Dunkirkers* intended to land their Four thouſand men in *Ireland*, in caſe their deſign failed as to *England*;

Letters

An. 1625. Letters were expedited to the Lord Deputy of *Ireland* to guard those Sea-coasts; for that it were alike mischievous, if they should land in either Kingdom.

In the beginning of *October*, the Fleet consisting of Eighty Ships great and small, the *Anne-Royal* a Ship of Twelve hundred Tun being Admiral, put forth from *Plimouth* for the Coasts of *Spain*, with these Regiments aboard the Fleet, according as we find it mentioned in an old List, *viz.* A

The Duke of *Buckingham's*,
The Lord *Wimbleton's*,
Sir *William St. Leger's* (Serjeant-Major-General) and
Colonel *Burrough's* Regiments were shipped in the Admirals Squadron, which carried 2093 Seamen, and 4032 Land-soldiers.
The Lord *Valentia's* Regiment,
The Earl of *Essex's*, and
Colonel *Harwood's* —— were shipped in the Vice-Admirals Squadron, carrying 1765 Seamen, and 3008 Land-soldiers. The Earl of *Essex* was Vice-Admiral, and commanded this Squadron. B
Sir *Charls Rich* his Regiment,
Sir *Edward Conway's*, and
Colonel Regiments were shipped in the Rear-Admirals Squadron, carrying 1833 Mariners, 2998 Soldiers.

The Fleet, after four days sail, was encountred with a furious storm, which so dissipated the Ships, that of Fourscore no less then Fifty were C missing for seven days. Afterwards they all came together upon the Coasts of *Spain*, where they found a Conquest ready, the Spanish Shipping in the Bay of *Cadez*, the taking whereof was granted feasible and easie, and would have satisfied the Voyage both in point of honor and profit: This was either neglected, or attempted preposterously. Then the Army landed, and Sir *John Burroughs* took a Fort from the *Spaniard*; but the Soldiers finding good store of Spanish Wines, abused themselves, and hazarded the ruine of all, (had the Enemy known in what condition they D were) notwithstanding all Commands to the contrary. So they were presently shipp'd again; and the General putting to Sea, intended to wait about Twenty days for the Plate-Fleet, which was daily expected from the *West-Indies*: But the evil condition of his Men, by reason of a general Contagion, enforced him to abandon the hopes of this great Prize. So the English having effected nothing, returned home with dishonor in *November* following.

The General examined before the Council.

It gave no small occasion of clamor, That a Fleet so well provided E and manned should land their men in an Enemies Country, and return without some honorable Action. But where the fault lay, hath not been yet adjudged, neither was any ever punished for failing in that duty. The General for some time was not admitted into the Kings presence, and some of the Colonels of his Army accused him, and some Seamen aggravated the Accusation: The General was examined before the Council, and laid the fault on others in the Fleet, who let the King of *Spain's* Ships pass without fighting them according to Order: They on the other hand F said, they had no Order from their General to fight. Thus was there sending and proving, which contributed little to salve the dishonor which the Nation sustained by this unprofitable and ill-managed Design.

The Soldiers commanded not to disband

Upon the Fleets return to *Plimouth* in *December*, and Consideration of the present use of the Soldiers therein imployed, a Proclamation issued forth

1 *Caroli.*

forth to command that no Soldiers of the Fleet ſhould depart from their Colours, or be diſcharged of their Service, till the King ſhall ſignifie his pleaſure, how and when he will uſe their further Service. So the Forces that returned from *Cades* were kept on foot, and diſperſed into ſeveral parts of the Kingdom.

Trade prohibited with *Spain.*

There was alſo a ſtrict Commandment, That no Subject of this Realm of *England* ſhall have intercourſe of Trade with any of the Dominions of the King of *Spain*, or the Arch-Dutches of *Flanders*, upon pain of Confiſcation both of Ships and Goods that ſhall be found upon Voyage of Trade into any of the ſaid Dominions. Moreover, in regard of the Subjects apparent danger, and the encouragement of the Enemies of this State, by putting Ships to Sea, being weakly manned and ill furniſhed, the King ordained that none ſhould ſet forth any Ship or Pinnace of the burthen of Threeſcore Tuns or upwards, unleſs they furniſh the ſame with ſerviceable Muskets and Bandaliers, ſufficient for the arming of half the number of perſons that ſail therein, together with a quantity of Ammunition anſwerable to the length of their intended Voyage.

Trained Bands exerciſed.

Furthermore, for the inſtructing and exerciſing of the Trained-Bands, as well Officers as Soldiers, by men experienced in Military Exerciſes, The King gave Commandment, that divers Low-Countrey Soldiers ſhould be aſſigned to the ſeveral Counties, and that the Trained-Bands ſhould be ready at the times appointed, for their Direction in their Poſtures and uſe of Arms.

Part of *Michaelmas* Term adjourned.

The Plague ſtill continuing in *London* and *Weſtminſter*, and the places near adjoyning, the King to prevent a general infection, had adjourned a part of *Michaelmas* Term from the *Utas* thereof, to the Fourth Return, and afterwards to the Fifth, and then the reſidue of the Term from the City of *Weſtminſter*; as alſo the Receipt of the Revenue from *Richmond* to the Town of *Reading* in *Berkſhire*. In which Term, a Commiſſion iſſued forth under the Great Seal, for executing the Laws againſt Recuſants, according to the Petition of the late Parliament, which was read in all the Courts of Judicature at *Reading*: Which Commiſſion, together with Pricking of Sir *Edward Cook*, and certain other Gentlemen, Sheriffs, who had appeared the laſt Parliament againſt the Duke, and being Sheriffs, could not be choſen Parliament-men, gave occaſion of diſcourſe, and hopes of a new Parliament.

The Term at *Reading.*

Hopes of a Parliament.

At *Hampton* Court in *December* following, this enſuing Order was made.

Sir *Edward Cook* High Sheriff, his exceptions to the Sheriffs Oath.

Whereas Four Articles concerning the Oath uſed to be taken by the High Sheriffs of Counties, were this day preſented unto the Board, unto which Articles Sir Edward Cook Knight, at this preſent High Sheriff of the County of Bucks, Did upon tender of the Oath unto him, take Exceptions, and ſent his Exceptions and the Reaſons thereof in writing to Mr. Attorny General, who by Direction of the Board, did attend all the Judges of England, to receive their Advice thereupon; and the ſaid Judges having adviſed thereof, did with one unanimous conſent Reſolve and ſo Report to the Lord Keeper, That they found no cauſe to alter the ſaid Oath, but onely in one of the ſaid Articles hereafter mentioned. It is thereupon

An. 1625.

this day Ordered by their Lordships, according to the unanimous Advice of all the Judges of England, and his Majesties pleasure signified therein, That the First Article propounded, viz. [You shall do all your pain and diligence to destroy and make to cease, all manner of Heresies and Errors, commonly called Lollaries, within in your Bayliwick from time to time, to all your power, and assist and be helping to all Ordinaries and Commissioners of the Holy Church, and favor and maintain them as oftentimes as you shall be required] shall be left out in the Oath to be given to Sir Edward Cook, and shall ever hereafter be left out in all Oaths to be given to the High Sheriffs of Counties hereafter. And their Lordships do likewise Order, according to the unanimous Advice of all the Judges of England, That the other three Articles doubted of, shall stand in the said Oath to be minister'd to the said Sir Edward Cook, and to all other High Sheriffs, as heretofore hath been accustomed; and that the Lord Keeper do give order to such Officers and Clerks in the Court of Chancery, to whom it appertained, to make out the Oath for the time to come according to present Order. A B

The Seal taken from Bishop *Williams*, sequestred formerly, and given to Sir *Thomas Coventry*.

The expectation of a Parliament, gave encouragement to the Bishop of *Lincoln* (who yet retained the name of *Lord Keeper*, notwithstanding his Sequestration several moneths before from the presence of the King, the Council Table, and the custody of the Seal) to make an Address to his Majesty for a favorable interpretation of his actions: But his carriage towards the Duke at the Parliament at *Oxford* was fresh in memory, where the Bishop told the Duke in *Christ-Church*, upon the Dukes rebuking him, for siding against him, That he was engaged with *William* Earl of *Pembroke*, to labor the Redress of the Peoples Grievances, and was resolved to stand upon his own Legs. If that be your resolution (said the Duke) Look you stand fast, and so they parted; and shortly after that he was sequestred, though the Seal was not disposed from him till the Thirtieth of *October*; at which time it was given to Sir *Thomas Coventry* at *Hampton*-Court, who was that day sworn of the Privy Council, and sate there and sealed some Writs, and afterwards came to the Term at *Reading*, and sate there as *Lord Keeper* and heard Causes. C D

A Parliament Summoned.

The King being pressed with his own Necessities, and the Cry of the Nation against the Fruitless Voyage of *Cadiz*, summoned a Parliament to meet in *February*; and before the time of meeting, his Majesty enjoyned the Archbishops and Bishops in both Provinces, to proceed against Popish Recusants by Excommunication, and other Censures of the Church, and not to omit any lawful means of bringing them to Publick Justice; especially he recommended to their vigilant care, the unmasking and repressing of those who were not professed Papists, yet disaffected to the true Religion, and kept close their evil and dangerous affection, and by secret means and slights, did encourage and advance the growth of Popery.

Recusants to be Excommunicated. E

This Command was seconded by a Proclamation, requiring, That all Convicted Papists should according to the Laws of this Realm, remain confined to their dwelling places, or within five miles thereof, unless upon special Licences first obtained in Cases necessary. F

The King resolved to leave Mr. *Montague* to the Parliament.

Immediately before the Parliament, Bishop *Land* procured the Duke of *Buckingham* to sound the King concerning the Cause, Books, and Tenets of Mr. *Richard Montague*; and understanding by what the Duke collected,

collected, That the King had determined within himself to leave him to a Tryal in Parliament, he said, *I seem to see a Cloud arising and threatning the Church of* England, *God for his Mercy dissipate it.* 1 *Caroli.*

About the same time, the King declared his purpose to celebrate the Solemnity of his Coronation on *Candlemas*-day at the Palace of *Westminster*; and required all persons, who by reason of their Offices and Tenures, were bound to perform any Duties at the Solemnitie, to give their attendance, and to be furnished in all respects answerable to an action of so high State according to their places and dignities. Wherefore by a Commission under the Great Seal of *England*, Sir *Thomas Coventry* Lord Keeper of the Great Seal, *James* Lord *Say* High Treasurer of *England*, *Edward* Earl of *Worcester* Keeper of the Privy Seal, *Thomas* Earl of *Arundel* and *Surrey* Earl Marshal of *England*, *William* Earl of *Pembroke* Lord High Chamberlain, *Edward* Earl of *Dorset*, and Sir *Randol Crew* Cheif Justice of the Common Pleas, were authorised to receive and determine the Claims exhibited by any Person concerning Services to be performed at the approaching Coronation. Preparations for the Kings Coronation.

And the more to credit the Solemnity, the King resolving to make certain of his Servants and other Subjects, in regard of their Birth, good Service, and other Qualities, Knights of the *Bath*, Authorised *Thomas* Earl of *Arundel* and *Surrey*, and Earl Marshal of *England*, *William* Earl of *Pembroke* Lord Chamberlain, to perform in his Majesties Name and behalf, all the Rites and Ceremonies belonging thereto.

At the same time Writs were directed to all Sheriffs in the Realm of *England*, and Dominions of *Wales*, commanding them to make Proclamation, That all such as had Forty pounds a year or more, of Lands or Revenues in their own hands, or the hands of Feoffees, for their use for the space of Three years, and are not yet Knights, do at their perils prepare to present themselves in his Majesties Presence by the One and thirtieth of *January*, to receive the Order of Knighthood. A Proclamation for all that have Forty pound *per annum* to come and receive the Order of Knighthood.

Upon the asswaging of the great Pestilence, through the Mercy and Goodness of God in withdrawing and almost removing the Scourge, the King by His Royal Authority, ordained a Publick and General Thanksgiving to be celebrated upon the Nine and twentieth of *January*, being the Lords day, in the Cities of *London* and *Westminster*, and the places adjacent; and on the Nineteenth of *February* in all other places of the Kingdom; the manner and form whereof, was prescribed by a Book composed by the Bishops according to his Majesties special Direction. A Thanksgiving for the Plagues ceasing.

The Contagion ceasing, the restraint enjoyned to the Citizens of *London* from resorting to Fairs for a time, was taken off.

The number of those that died this year within and without the Walls of the City of *London*, and in the Liberties and Nine out Parishes, from the Sixteenth of *December* 24. to the Fifteenth of *December* 25. Was in Total Fifty four thousand two hundred sixty and five, whereof of the Plague Thirty five thousand four hundred and seventeen. Number of those who died of the Plague.

On *Candlemas*-day King *Charls* was Crowned; Bishop *Laud* had the cheif hand in compiling the Form of the Coronation, and had the honor to perform this Solemnity, instead of the late Lord Keeper *Williams*, who (through the Kings disfavor) was sequestred from this Service, which belonged to his place as he was Dean of *Westminster*. Mr. *John Cosens* (as Master of the Ecclesiastical Ceremonies) kneeled behinde the Bishop The Ceremonies at the Kings Coronation.

An. 1625. when the Prayers were read, and directed the Quire when to answer. The Ceremony in going to, and all the Coronation, was briefly thus.

THe King went that day from *Westminster-Hall* to the Abbey Church, attended by the Aldermen of *London*, Eighty Knights of the *Bath* in their Robes, the Kings Serjeants at Law, Solicitor and Attorney Generals, the Judges, Barons, Bishops, Viscounts, and such of the Earls (who bore no particular Office that day) in their Parliament Robes, going two by two before the King all uncovered; and after them followed his Officers of State (being Eight Earls and one Marques) those persons according to their respective places and offices carried the Swords, the Globe, the Scepter, the Crown; and the Lord Major of *London* carried the short Scepter; two Bishops carried, the one the Golden Cup, and the other the Plate for the Communion. Next before his Majesty went the Earl of *Arundel* as Earl-Marshal of *England*, and the Duke of *Buckingham* as Lord High-Constable of *England* for that day. The King being cloathed in White Sattin, went under a rich Canopy, supported by the Barons of the Cinque Ports, the King having on each hand a Bishop, and his Train of Purple-Velvet was carried up by the Master of the Robes, and the Master of the Wardrobe. At the entring into the Church, Bishop *Laud* delivered into the Kings hands the Staff of King *Edward* the Confessor, with which the King walked up to the Throne; then the Archbishop of *Canterbury* presented his Majesty to the Lords and Commons there present, East, West, North, and South, who gave their consent to his Coronation, as their lawful Soveraign. After Sermon was done, the King went to the Altar (where the *old Crucifix* amongst other *Regalia* stood; as also the Ointment consecrated by a Bishop) to take the Coronation Oath, which (as is said) was performed in this manner, *viz.*

Archbish. P. P. SIr (says the Archbishop) will You grant and keep, and by Your Oath confirm to the People of England, the Laws and Customs to them granted by the Kings of England, Your Lawful and Religious Predecessors, and namely the Laws, Customs, and Franchises, granted to the Clergy by the glorious King St. Edward Your Predecessor, according to the Laws of God, the true Profession of the Gospel established in this Kingdom, agreeable to the Prerogative of the Kings thereof, and the Ancient Customs of the Realm?

The Kings Answer. I grant and promise to keep them.

Sir, will You keep Peace and Godly Agreement (according to Your Power) both to God, the Holy Church, the Clergy and the People?

I will keep it.

Sir, will You (to Your Power) cause Law, Justice, and Discretion to Mercy and Truth, to be executed to Your Judgment?

I will.

Sir, will You grant to hold and keep the Laws and Rightful Customs which the Communalty of this Your Kingdom have; and will You defend and uphold them to the honor of God, so much as in you lyeth?

I grant and promise so to do.

Then one of the Bishops read this Passage to the King.

Our Lord and King, we beseech You to Pardon, and to Grant, and to Preserve unto us, and to the Churches committed to Your Charge, all Canonical Privi-

ledges,

ledges, and do Law and Justice; and that You would Protect and Defend us, as every good King to His Kingdoms ought to be Protector and Defender of the Bishops, and the Churches under their Government.

The King answereth.

With a willing and devout Heart I promise, and grant my Pardon; and that I will preserve and maintain to you, and the Churches committed to your Charge, all Canonical Priviledges, and due Law and Justice; and that I will be your Protector and Defender to my Power, by the assistance of God, as every good King in his Kingdom in right ought to protect and defend the Bishops and Churches under their Government.

Then the King arose and was lead to the Communion Table, where he takes a Solemn Oath in sight of all the People, to observe all the Premisses, and laying his hand upon the Bible, said,

The things which I have here promised, I shall perform and keep. *So help me God, and the Contents of this Book.*

After the Oath, the King was placed in the Chair of Coronation, and was Anointed by the Archbishop with a costly Ointment, and the Antient Robes of King *Edward* the Confessor was put upon him, and the Crown of King *Edward* was put upon his Head, and his Sword girt about him; and he offered the same, and two Swords more, together with Gold and Silver at the Communion Table. He was afterwards conducted by the Nobility to the Throne, where this Passage was read to his Majesty.

[*Stand and hold fast from henceforth the place, to which You have been Heir by the Succession of Your Forefathers, being now delivered to You by the Authority of Almighty God, and by the hands of us, and all the Bishops and Servants of God: And as You see the Clergy to come nearer to the Altar then others, so remember that (in all places convenient) You give them greater honor, that the Mediator of God and Man may establish You in the Kingly Throne, to be a Mediator betwixt the Clergy and the Laity; and that You may Raign for ever with Jesus Christ, the King of Kings, and Lord of Lords.*]

Afterwards the Nobility were sworn to be Homagers to the King, and some other Ceremonies were performed; which being done, the Lord Keeper by the Kings command read a writing unto them, which declared the Kings free Pardon to all his Subjects who would take the same under the Great Seal.

The Ceremonies of the Coronation being ended, the *Regalia* were offered at the Altar by Bishop *Laud* in the Kings Name, and then reposited.

The Bishop of *Lincoln* faln into disgrace by the displeasure of the Duke of *Buckingham*, had not received his Writ of Summons which he represented to the King with Submission to his Majesties pleasure (denied as he said, to no Prisoners or condemned Peers in his Fathers Reign) to enable him to make his Proxy, if his Personal attendance be not permitted. Likewise he besought his Majesty, That he would be pleased to mitigate the Dukes causeless anger towards him, who was so little satisfied with any thing he could do or suffer, that he had no means left to appease him, but his Prayers to God and his Sacred Majesty:

Also,

An. 1625.

Alſo, that in his abſence in this Parliament, no uſe might be made of his Majeſties Sacred Name to wound the Reputation of a poor Biſhop, who beſides his Religion and Duty to that Divine Character which his Majeſty beareth, hath affectionately honored his very perſon above all Objects in this World, as he deſired the Salvation of the World to come: And he craveth no Protection againſt any other Accuſer or Accuſation whatſoever.

A Second Parliament meets.

On Monday the Sixth of *February*, began the Second Parliament of the Kings Reign.

The King being placed in his Royal Throne, the Lords in their Robes, and the Commons below the Bar, it pleaſed his Majeſty to refer them to the Lord Keeper for what he had to ſay.

The Lord Keepers Speech.

My Lords,

The Lord Keepers Speech.

"ANd you the Knights, Citizens, and Burgeſſes of the Houſe of Commons, you are here aſſembled by his Majeſties Writs and Royal Authority to hold a new Parliament, the general Antient "and Powerful Councel of this Renowned Kingdom; whereof if we "conſider aright, and think of that incomparable diſtance between the "Supream height and majeſty of a Mighty Monarch, and the ſubmiſſive "aw and lowlineſs of a Loyal Subject, We cannot but receive exceeding "comfort and contentment in the frame and conſtitution of this Higheſt "Court; wherein not onely the Prelates, Nobles, and Grandees, but "the Commons of all degrees have their part, and wherein that high "Majeſty doth deſcend to admit or rather to invite the humbleſt of his "Subjects to Conference and Council with him, of the great, weighty, "and difficult Affairs of the King and Kingdom: A benefit and favor "whereof we cannot be too ſenſible and thankful; for ſure I am, that all "good hearts would be both ſenſible and ſorrowful, if we did want it. "And therefore it behooveth all, with united hearts and mindes free from "diſtraction and diverſion, to fix their thoughts upon Counſels and Conſultations worthy of ſuch an Aſſembly, remembring, That in it is preſented the Majeſty and Greatneſs, the Authority and Power, the Wiſdom and Knowledge of this great and famous Nation; and it behooveth us to magnifie and bleſs God, that hath put the power of "Aſſembling Parliaments in the hands of him, the vertue of whoſe perſon doth ſtrive with the greatneſs of his Princely Lineage and Deſcent; "whether he ſhould be accounted *Major* or *Melior*, a greater King, or a "better Man; and of whom you have had ſo much tryal and experience, "That he doth as affectionately love, as he doth exactly know and underſtand the true uſe of Parliaments, witneſs his daily and unwearied "Acceſs to this Houſe, before his Acceſs to the Crown, his gratious "readineſs to all Conferences of Importance; his frequent and effectual "Interceſſion to his Bleſſed Father of never dying Memory, for the "good of the Kingdom, with ſo happy ſucceſs, That both this and future generations ſhall feel it, and have cauſe to rejoyce at the ſucceſs of "his Majeſties Interceſſion. And when the Royal Diadem deſcended "upon himſelf, preſently in the midſt of his Tears and Sighs for the departure of his moſt Dear and Royal Father, in the very firſt Conſulta-

"tion

1 Caroli.

"tion with his Privy Council, was reſolved to meet his People in Parlia-
"ment: And no ſooner did the heavy hand of that Deſtroying Angel
"forbear thoſe deadly ſtrokes, which for ſome time did make this place
"inacceſſible; but his Majeſty preſently reſolved to recal it, and hath
"now brought you together, and in a happy time, I truſt, to treat and
"conſult with uniform Deſires and united Affections, of thoſe things
"that concern the general good.

A "And now being thus Aſſembled, his Majeſty hath commanded me
"to let you know that his Love and Affection to the Publick, moved him
"to call this Parliament; and looking into the danger and the ſpreading
"of that late Mortality, and weighing the multitude of his Majeſties
"preſſing occaſions and urging affairs of State, both at home and abroad,
"much importing the ſafety and ſtate of this Kingdom; the ſame affecti-
"on that moved him to call it, doth forbid him to prolong the ſitting of
"this Parliament: And therefore his Majeſty reſolving to confine this
B "meeting to a ſhort time, hath confined me to a ſhort Errand; and that
"is, That as a thing moſt agreeable to the Kingly Office, to the example
"of the beſt times, and to the frame of Modern Affairs, his Majeſty hath
"called you together to conſult and to adviſe of provident and good
"Laws, profitable for the Publick, and fitting for the preſent times and
"actions; for upon ſuch depends the aſſurance of Religion and of
"Juſtice, which are the ſureſt Pillars and Buttreſſes of all good Govern-
"ment in a Kingdom: For his Majeſty doth conſider, that the Royal
C "Throne on which God out of his Mercy to us hath ſet him, is the
"Fountain of all Juſtice, and that good Laws are the Streams and Quits,
"by which the benefit and uſe of this Fountain is diſperſed to his people.
"And it is his Majeſties care and ſtudy, that his people may ſee with
"comfort and joy of heart, that this Fountain is not dry, but they and
"their Poſterity may reſt aſſured and confident in his time, to receive as
"ample benefit from this Fountain, by his Majeſties Mercy and Juſtice,
"as ever Subjects did in the time of the moſt eminent Princes amongſt
D "his Noble Progenitors; wherein, as his Majeſty ſhews himſelf moſt
"ſenſible of the good of the Publick, ſo were it an injury to this great
"and honorable Aſſembly, if it ſhould be but doubted, that they ſhall
"not be as ſenſible of any thing that may adde to his Majeſties honor;
"which cannot but receive a high degree of Love and Affection, if his
"Majeſty ſucceeding ſo many Religious, Wiſe, and Renowned Princes,
"ſhould begin his Reign with ſome Additions unto thoſe good Laws
"which their happy and glorious times have afforded. And this his Ma-
E "jeſty hath cauſed me to deſire at this time, eſpecially above others;
"for his Majeſty having at his Royal Coronation, lately ſolemnized the
"Sacred Rites of that Bleſſed Marriage between his people and him;
"and therein by a moſt holy Oath, vowed the Protection of the Laws,
"and Maintenance of Peace both to Church and People, no time can
"be ſo fit for his Majeſty to adviſe and conſult at large with his people,
"as this preſent time, wherein ſo lately his Majeſty hath vowed Protecti-
"on to his People, and they have proteſted their Alleagiance and Service
F "to him.

"This is the ſum of that charge which I have received from his
"Majeſty to deliver unto you, wherein you ſee his Majeſties intent to
"the Publick: And therefore his deſire is, That according to that con-
"veniency of time which his Affairs may afford, you will apply your ſelves
"to diſpatch the buſineſs of this Parliament.

The

An. 1625.

Sir *Hennage Finch* choſen Speaker.

The Wedneſday following the Commons preſented Sir *Hennage Finch* Knight, Serjeant at Law and Recorder of *London*, for their Speaker; who having made the accuſtomed Excuſes, and acknowledged his Majeſties Approbation, made this Speech.

His Speech.

"SInce it hath pleaſed your Majeſty not to admit my humble Excuſe, A
"but by your Royal Approbation to crown this Election; after my
"heart and hands firſt lifted up to God, that hath thus inclined
"your Royal Heart, I do render my humbleſt thanks to your Majeſty, who
"are pleaſed to caſt ſo gratious an eye upon ſo mean a Subject, and to de-
"ſcend ſo low as in a ſervice of this Importance, to take me into your
"Princely Thoughts. And ſince we all ſtand for Hundreds and Thou-
"ſands, for Figures and Cyphers, as your Majeſty, the Supream and So-
"veraign Auditor, ſhall pleaſe to place and value us, and like Coyn to B
"paſs, are made currant by your Royal Stamp and Impreſſion; onely I
"ſhall neither diſable nor under-value my ſelf, but with a faithful and
"chearful heart, apply my ſelf with the beſt of my ſtrength and abilities,
"to the performance of this weighty and publick Charge, wherein as I
"do and ſhall to the end, moſt humbly deſire your gratious acceptance
"of my good intentions and endeavors: So I could not but gather ſome
"confidence to my ſelf, that your Majeſty will look favorably upon the
"works of your own hands. And in truth, beſides this particular, theſe C
"publick things which are obvious to every Underſtanding, are ſo many
"Arguments of Comfort and Encouragement, where I contemplate
"and take a view of thoſe great and ineſtimable bleſſings, which by the
"goodneſs of God, we do enjoy under your Majeſties moſt pious and
"prudent Government.

"If we behold the frame and the face of the Government in general,
"we live under a *Monarchy*, the beſt of Governments, the neareſt re-
"ſemblance unto the *Divine Majeſty* which the Earth affords, the moſt D
"agreeable to Nature, and that in which other States and Republicks
"do eaſily fall and reverſe into the Ocean, and are naturally diſſolved as
"into their *Primam Materiam*. The *Laws* by which we are governed, are
"above any value my words can ſet upon them; time hath refined and
"approved them; they are equal at leaſt to any Laws Humane, and ſo
"curiouſly framed and fitted, that as we live under a temperate climate,
"ſo the Laws are temperate, yielding a due obſervance to the Preroga- E
"tive Royal, and yet preſerving the Right and Liberty of the Subject;
"That which *Tacitus* ſaith of two of the beſt Emperors, *Res olim inſocia-*
"*biles miſcuerunt, imperium & libertas*, and ſo far is this from the leaſt
"diminution of Soveraigns, that in this your Majeſty is truly ſtiled *Pater*
"*Patriæ*, and the greateſt King in the World, that is King of ſuch and
"ſo many Free-born Subjects, whoſe perſons you have not onely power
"over, but, which is above the greateſt of Kings, to command their
"hearts. If time or corruption of manners breed any Miſts or F
"Grievance, or diſcover any defects in the Law, they are ſoon re-
"formed by Parliament, the greateſt Court of Juſtice, and the
"greateſt Council of the Kingdom, to which all other Courts and
"Councils are ſubordinate. Here your Royal Perſon ſits inthroned in
"the Seat of Majeſty, attended by a Reverend and Learned Prelacy,
"a great and full Nobility inthroned like Stars in the Firmament;

"ſome

1 Caroli.

"ſome of a greater, ſome of a leſſer magnitude, full of light and beauty,
"and acknowledging to whom they owe their luſtre; and by a choiſe
"number of worthy Knights and Gentlemen that repreſent the whole
"body of your Commons. But to leave generals; We live not under a
"Monarchy only the beſt of Goverments, and under a Government the
"beſt of Monarchies, but under a King the beſt of Monarchs. Your Royal
"Perſon, and thoſe eminent graces and vertues which are inherent in your
A "Perſon, (in whom Greatneſs and Goodneſs contend for ſuperiority) it
"were preſumption in me to touch, though with never ſo good a meaning;
"they will not be bounded within the narrow compaſs of my diſcourſe:
"And ſuch Pictures of ſuch a King are not to be made in Limning, but
"for Publick things and actions which the leaſt eye may ſee and diſcern,
"and in them obliquely and by reflexion cheerfully and with comfort be-
"hold your Perſon. What Age ſhall not record and eterniſe your Princely
"magnanimities in that Heroick action or venturous Journey into *Spain*,
B "or hazarding your Perſon to preſerve the Kingdom? Fathers will tell it
"to their children in ſucceſſion; After-ages will then think it a Fable.
"Your piety to the Memory of your dear Father, in following and bedew-
"ing his Herſe with your tears, is full in every mans memory. The *Publick*
"*Humiliation* when Gods hand lay heavy upon us, and the late *Publick*
"*Thankſgiving* to Almighty God for removing his hand, both com-
"manded and performed in perſon by your Majeſty, is a work in piety not
"to be forgotten, and I truſt the Lord will remember them and reward
C "them with mercy and bleſſing to your Majeſty and the whole Kingdom.
"Your love to Juſtice, and your care in the adminiſtration of Juſtice, we all
"behold with comfort and rejoice to ſee it; The great Courts of Juſtice
"from the higheſt to the loweſt furniſhed with Judges of that wiſdom and
"gravity, learning and integrity: The Thrones of Kings are eſtabliſhed
"by Juſtice; and may it eſtabliſh, and I doubt not but it will eſtabliſh the
"Throne of your Majeſty in your Perſon and in your Royal Line, to the
"end of time. But above all, and indeed it is above all as far as Heaven is
D "diſtant from Earth, your care and zeal for the advancement of Gods true
"Religion and Worſhip, are cleerly and fully expreſt and do appear both
"in your Perſon, and by your many Publick Acts and Edicts. It is true
"that is ſaid of Princes, *Quod faciunt, præcipiunt:* Of your Majeſty both
"are true, and a Propoſition made convertible. We have received a moſt
"gracious Anſwer from your Majeſty to all our late Petitions concerning
"Religion, ſeconded with a Publick Declaration under the Great Seal,
"and Inrolled in all the Courts of Juſtice, for your Royal pleaſure and
E "direction to awaken and put life into theſe Laws by a careful Execution,
"with proviſion that the Penalties be not converted to your Private Cof-
"fers, (and yet the Coffers of Kings are not Private Coffers) but by
"your expreſs direction ſet apart to Publick uſes, ſuch as concern the
"immediate Defence of the Kingdom, wherein we all have our ſhare and
"intereſt. Your Royal Proclamation hath commanded thoſe Romiſh
"Prieſts and Jeſuites to Baniſhment, thoſe Incendiaries that infect the
"State of this Church and Commonwealth. Their very entrance into
F "this Kingdom, is by a juſt and provident Law made Treaſon; their aims
"being in truth (how ſpecious ſoever their pretences be) nothing elſe
"but to plot and contrive Treaſon againſt the State, and to ſeduce your
"Natural born Subjects from their true obedience, nouriſhing in their
"poſterities Factions and Seditions: Witneſs thoſe many Treaſons
"and Conſpiracies againſt the perſon of that glorious Lady, whoſe

An. 1625. "memory will never die; and that horrible matchleſs Conſpiracie, the "*Powder-Treaſon*, the Maſter-piece of the Devil. But God that preſerved "her and your Royal Father againſt all their treacherous Conſpiracies, "and hath given you a heart to honor him, will honor and preſerve you: "Religion will more truly keep your Kingdoms, then the Seas do com- "paſs them: It is the joy of heart to your Majeſties loyal and well-affected "Subjects, and will ever be the honor of your Regal Diadem, and the "Crown of your Crown. The Spaniſh Invaſion in *Eighty Eight* I hope A "will ever be remembred in *England*, with thankful acknowledgment to "God for ſo great a deliverance: And I aſſure my ſelf it is remembred "in *Spain*, but with another mind, a mind of Revenge; they are too con- "ſtant to their Counſels, to acquit their Reſolutions and Purpoſes that "drew on that Attempt. It was long before diſcovered, and ſince "printed not without their liking, That they affect an Univerſal Mo- "narchy. *Videor mihi videre* (ſaith *Lipſius* of their State) *Solem orientem* "*ab Occidente*; a Monſter in Nature. And one of their own, ſpeaking of B "the two great Lights which God hath placed in the Firmament, makes "the Pope *Luminare majus præſidens urbi & orbi*; and the King of *Spain*, "*Luminare minus ut ſubdatur urbi & dominetur per totum orbem*: A great "flattery, and a bold and impudent eluſion. But I truſt, as God hath put "it into the heart of your bleſſed Father, by that matchleſs Book of his "written to all Chriſtian Monarchs and Princes, (a Work by which he "raiſed a Monument to himſelf more laſting then Marble) to denounce "War to that Adverſary of God and Kings, the *Pope*; ſo he hath ſet C "your ſacred Majeſty upon the Throne of your Father, to do as many "things worthy to be written, as he had written things worthy to be read: "amongſt them, to reſtrain that unlimited pride and boundleſs ambition of "*Spain*, to reduce it to their proper current & channel, who under the title "of *Catholick King*, makes his pretence to more Countries and Kingdoms "then his own; and by color of diſguiſed Treaties he invades the *Pala-* "*tinate*, and diſpoſſeſſeth that Incomparable Lady your Royal Siſter, and "the Children of this Kingdom, of their right and their antient Patri- D "mony and Inheritance, to the diſcomfort and diſhonor of this great "and glorious Nation. God in his mercy ſoon repair this breach by your "Royal head; and I aſſure my ſelf, the hearts, the hands, and the purſes "of all good Subjects will ſay *Amen*.

"But I may weary your Majeſty, and loſe my ſelf, and forget for "whom I am a Speaker. Cuſtom gives me the priviledge as an humble "Suitor on the behalf of the Houſe, to preſent their few Petitions unto "your Majeſty. E

1. "The firſt, That for our better attending this Publick and im- "portant ſervice, our ſelves and our neceſſary Attendants may with your "Majeſties tender allowance be free both in our perſons and goods from "Arreſts and troubles, according to our antient Priviledges.

2. "The next; That ſince for the preparing and drawing to con- "cluſion ſuch Propoſitions as ſhall be handled in the Houſe, Debate and "Diſpute will be neceſſary, and by variety of opinions Truth is oftentimes "beſt diſcerned, your Majeſty will likewiſe according to your antient uſage F "and priviledge vouchſafe us liberty and freedom of ſpeech, from which "I aſſure my ſelf duty and loyalty to your Majeſty will never be ſevered.

3. "That when occaſions of moment ſhall require, your Majeſty "upon our humble ſuit, and at ſuch times as may beſt ſort with your oc- "caſions, will vouchſafe us acceſs to your Royal perſon.

4. "That

1 *Caroli.*

4. "That the Proceedings of the Houſe may receive a favorable "Interpretation at your gracious hands; and be free from miſcon- "ſtructions.

The Houſes began their work with rendring thanks to the King for his gracious Anſwer to their late Petition for Religion.

An Act was tendred and read, To adminiſter an Oath for the rendring A a true Accompt of all General and Publick Taxes, Rates and Collections. Another againſt Scandalous Miniſters. It was moved, ſome Proviſion might be made againſt Scandalous Livings, as well as againſt Scandalous Miniſters.

The Commons further fell into Examination of the Publick Grieve- Grievances taken into conſideration. ances, and the Cartiage, or rather Miſcarriage of the Fleet to *Cadiz*; The Evil Counſellors about the King; Miſgovernment and Miſimploy- ment of the Kings Revenue; An Accompt of the Subſidies and Three B Fifteens granted 21 *Jacobi*; And reſolved of a Committee for ſecret Affairs, and another for Grievances, to ſit every *Friday* and *Wedneſday* during the Parliament. And Mr. *Whitby* was commanded to the Chair for the Committee for Grievances; where were delivered theſe en- ſuing Conſultations.

I. [*The State of the King in the Conſtant Revenue of the Crown.*] Grievances laid open.

C 1. What it was, and how for the *Introitus* and *Exitus* they are ordered.

2. What now it is, either in cleer, or by Lands, by Cuſtoms and Im- poſitions, or by Caſualties.

3. The means how it is abated, By gifts of Lands *ex mero motu*, and no valuable conſideration, and this may be revoked.

By grants of Penſions, now 120000 *l.* before but 80000 *l.* Good Times have reſumed them, or contracted them upon Neceſſity.

By increaſe of Houſhold from 45000 *l.* to 80000 *l.* the Purveyors D more, and the Tables leſs furniſhed then formerly.

By fruitleſs Ambaſſadors, with larger allowance then formerly: To reduce them to the Ordinary of the late Queen.

By treble increaſe of the Privy-Purſe.

By double increaſe of the Treaſury of the Chamber and Great Wardrobe.

In all by not uſing the beſt courſe of Aſſignments, whereby the Cre- ditors are delayed in the paiment, and the King ſurcharged in the price; E the Exchequer-man making his profit from the Kings wants.

II. [*The Condition of the Subject in his Freedom.*]

1. Formerly in Taxes by Parliaments, as by Subſidies and Fifteens, ſpent onely on Defence of the State, or Aid of our Allies; by Tonage and Poundage, imployed in Guard of the Seas; Loans rarely, and thoſe imployed intirely for the Publick; Impoſition by Prerogative of old Cuſtoms, rated eaſily by the Book of Rates, if any, either limited to F time or meaſure.

2. New Impoſitions and Monopolies multiplied, and ſettled to con- tinue by Grants, Cuſtoms Inhanced by the new Book of Rates.

Tonage and Poundage levied, though no Act of Parliament, nor Seas guarded; the Times, the Wayes, and the Perſons that induce theſe.

An. 1625.

3. The Imploiment or Waſte of the Treaſure: What Sums have been granted for the Defence of the State, the laſt Three years; How in particular ſpent, and where; By what Advice, as by the direction of the Council of War appointed by Parliament, by full Order of the Council, by any other then thoſe, and by whom.

Firſt, Publick Treaſury is to be examined.

Secondly, The Kings Subjects, how many, and when tranſported and imployed as to the *Palatinate*, Count *Mansfields* Land-ſoldiers in the laſt Fleet: The Deſigns where they were ſent; the Council that directed it; the ſucceſs of the Action; and the Return of the perſons in number, and the Loſs. A

Thirdly, In Ships and Munition our own, The Number and Quantity imployed ſeverally; the Number imbarqued in thoſe Ships; and what prejudice and diſcouragement of Trade; the Council that directed ſuch Imploiments; the ſeveral ſucceſs, as at *Algier* and *Cadiz*. Strangers, and thoſe Ships either of Allies or Enemies: Allies hired by Contract to ſerve, and how uſed, or taken as Prize; if ſo, how then delivered and dealt withal in the courſe of Juſtice; what ſucceſs hath followed upon Injuſtice done them, as the Arreſt of our Goods in *France* and *Germany*, whereby our Merchants are at a ſtand; The number and true value of the Goods, the Accompt thereof made to his Majeſty or his Officers; the diſmiſſing and diſcharging any of them, or the Goods, *viz.* by whom, the Directions, the Pretence, the Value of the Goods, the Place whither they went. B

Honor of the King; which, as in all other things, conſiſts in what formerly hath been done: How formerly we ſtood a Nation feared, renowned, victorious: We made the *Netherlands* a State, when they were none; Recovered *Henry* the Fourth of *France* his Kingdom, when he had nothing left but the Town of *Diep*; Conquered the Invincible Navy of *Spain*, *in Anno* 1588. Took Towns in *Portugal* the Year following, and marched One hundred miles upon the Firm ground; Fired or brought away the Spaniſh Navy before *Cadiz*, and ſack'd the Town, took the Spaniſh ſhips daily, and ſpoiled the Port-Towns of the *Weſt-Indies*, never loſing but one ſhip during the Spaniſh War; reducing the Condition of that King from a Fifth Monarchy to ſo low an Ebb, that in one Year he paid Two thouſand five hundred Millions of Duckets for Intereſt; ſo as after he was enforced to beg Treaties of Peace and low Terms at the laſt Queen-Regents hands. C

III. [*The Cauſe of the good Succeſs then.*] D

A Carriage and readineſs to aſſiſt their Soveraign in purſe and perſon; A Wiſdom and Gravity of Council, who ordered nothing but by publick Debate, and then aſſiſted with the Military Profeſſors either by Land or Sea of the beſt repute, and ſuch only imployed.

IV. [*In what Condition we now ſtand.*] E

By the loſs of Reputation, by the ill ſucceſs in the Voyage for *Algier*, in the *Palatinate*, in the Expedition with *Mansfield*, in the laſt to *Cadiz*. F

The Reaſons are,

The uncheerfulneſs we have either to adventure our purſes or perſons, occaſioned by a diſtruſt we have of the ſucceſs, the want of the like Courſes and Councils that were formerly uſed.

It

1 Caroli.

It was wished, that for every of the Four Heads there were a particular Committee to examine and prepare a Report for the Houses; and the House upon every Report to put it self into a Committee of the whole Assembly, and after a full and deliberate Debate, to order a Model or Form for a Conference with the Lords, and so together humbly to present to his Majesty a Remonstrance of their Labor; offering withall a second Consultation and Debate amongst themselves for finding out the fittest means both for the defence of the State and our Allies, Reformation of the Errors, and a constant way to raise such Supplies as may enable his Majesty to proceed cheerfully, and as they hoped assuredly in this his glorious Action, not only for himself and State, but all that profess the same Religion, and are like to be overwhelmed in the Ambition of the Spanish Monarchy.

Also a Committee was named concerning Religion, and the Growth of Popery; and *Montague's* [*Appeal to Cæsar*] was again brought in question.

This Book the Commons referred to the Committee for Religion, from whom Mr. *Pym* Reported to the House the several Erroneous Opinions therein contained; and the House passed their Votes thereupon, That Mr. *Montague* endeavored to reconcile *England* to *Rome*, and to alienate the Kings affections from his well-affected Subjects.

The Articles exhibited against him were these.

Articles exhibited by the Commons against *Richard Montague* Clerk.

Articles against Mr *Montague*.

THat he the said *Richard Montague*, in or about the 21. year of the Reign of our late Soveraign Lord King *James* of famous memory, hath caused to be Printed, and in his name to be Published, one Book called, *An Answer to the late Gagg of Protestants*; and in or about *Anno* 22. of the same King, he caused to be Printed and Published one other Book, Entituled, *A Treatise of the Invocations of Saints*; and likewise in the First year of his Majesties Reign that now is, he procured to be Printed, and in his name to be Published another Book, Entituled, *An Appeal to Cæsar*: In every of which Books he hath maintained and confirmed some Doctrine contrary or repugnant to the Articles agreed by the Archbishops and Bishops of both Provinces, and the whole Clergy, holden in the Convocation at *London*, *Anno Domini* 1562. according to the computation of the Church of *England*, for avoiding Diversity of Opinions, and for establishing Consent touching true Religion: All which appears in the places hereafter mentioned, and in divers other places and passages of the same Books; And by his so doing hath broken the Laws and Statutes of this Realm in that Case provided, and very much disturbed both the Peace of Church and Commonwealth.

1. Whereas in the Five and thirtieth Article of the Articles aforementioned, it is declared, That the Second Book of Homilies doth contain a Godly and wholesom Doctrine, in the sixteenth Homily of which Book, it is determined, That the Church of *Rome*, as it is at present, and hath been for the space of Nine hundred years and odd, is so far wide from the nature of a True Church, that nothing can be more: He, the said *Richard Montague*, in several places of his said Book, called,

The

An. 1625. *The Answer to the Gagg*, and in his other Book, called, *The Appeal*, doth advisedly maintain and affirm, That the Church of *Rome* is and ever was a True Church since it was a Church.

H. Whereas in the same Homily it is likewise declared, That the Church of *Rome* is not built upon the Foundation of the Prophets and Apostles; and in the Eight and twentieth Article of the said Articles, That Transubstantiation overthroweth the nature of a Sacrament; and in the Five and twentieth of the same Article, That five other reputed Sacraments of the Church of *Rome*, are not to be accounted Sacraments; yet contrary and repugnant hereunto, he, the said *Richard Montague*, doth maintain and affirm in his Book aforesaid, called, *The Answer to the Gagg*, That the Church of *Rome* hath ever remained firm upon the same Foundation of Sacraments and Doctrine instituted by God. A

III. In the nineteenth of the same Article, it is further determined, That the Church of *Rome* hath erred, not onely in their living and matters of Ceremony; but also in matters of Faith. He the said *Richard Montague*, speaking of those Points which belong to Faith and good manners, Hope and Charity, doth in the said Book, called, *The Gagg*, affirm and maintain, That none of these are controverted in their Points, meaning the Protestants and Papists; and notwithstanding that in the One and thirtieth Article, it is resolved, That the Sacrifice of Masses, in which, as it is commonly said, the Priest did offer Christ for the Quick and the Dead, to have remission of Pain and Guilt too, is a Blasphemous Fable, and dangerous Deceit, this being one of the Points controverted between the Church of *England* and the Church of *Rome*. The said *Richard Montague* in his Book, called *The Gagg*, doth affirm and maintain, That the controverted Points are of a lesser and inferior nature, of which a man may be ignorant without any danger of his Soul at all, a man may resolve to oppose this or that without peril of perishing for ever. B C D

IV. Whereas in the second Homily, Entituled, *Against Peril of Idolatry*, contained in the aforesaid Book of Homilies, approved by the Seven and thirtieth mrticle aforementioned; It is declared, That Images teach no good Lesson, neither of God nor Godliness, but all Error and Wickedness: He the said *Richard Montague*, in the Book of *Gagg* aforesaid, doth affirm and maintain, That Images may be used for the instruction of the Ignorant, and excitation of Devotion. E

V. That in the same Homily it is plainly expressed, That the attributing the defence of certain Countries to Saints, is a spoiling God of his honor, and that such Saints are but *Dii tutelares* of the Gentiles Idolators: The said *Richard Montague* hath notwithstanding in his said Book, Entituled, *A Treatise concerning the Invocation of Saints*, affirmed and maintained, That Saints have not onely a Memory, but a more peculiar Charge of their Friends; and that it may be admitted, That some Saints have a peculiar Patronage, Custody, Protection and Power, as Angels also have, over certain Persons and Countries by special deputation; and that it is no impiety so to believe: Whereas in the seventeenth of the said Articles, it is resolved, That God hath certainly Decreed by his Counsel, secret to us, to deliver from Curse and Damnation those whom he hath F

chosen.

choſen in Chriſt out of mankinde, and to bring them by Chriſt to everlaſting Salvation; wherefore they which be endued with ſo excellent a benefit of God, be called according to Gods purpoſe, working in due ſeaſon, they through Grace obey the Calling, they be juſtified freely, walk Religiouſly in good works, and at length by Gods mercy attain to everlaſting felicity: He, the ſaid *Richard Montague*, in the ſaid Book, called *The Appeal*, doth maintain and affirm, That men juſtified may fall away, and depart from the ſtate which once they had; they may ariſe Again, and become new men poſſibly, but not certainly nor neceſſarily. and the better to countenance this his opinion, he hath in the ſame Book wilfully added, falſified and charged divers words of the ſixteenth of the Articles before mentioned, and divers other words, both in the Book of Homilies, and in the Book of Common-Prayer, and ſo miſrecited, and changed the ſaid places he doth alleadge in the ſaid Book, called, *The Appeal*, endeavouring thereby to lay a moſt wicked and malicious ſcandal upon the Church of *England*, as if he did herein differ from the Reformed Churches of *England*, and from the Reformed Churches beyond the Seas, and did conſent to thoſe pernitious Errors, which are commonly called Arminianiſm, and which the late famous Queen *Elizabeth*, and King *James* of happy memory, did ſo piouſly and diligently labour to ſuppreſs.

That the ſaid *Richard Montague*, contrary to his Duty and Allegiance hath endeavored to raiſe great Factions and Diviſions in this Commonwealth, by caſting the odious and ſcandalous name of *Puritans* upon ſuch his Majeſties loving Subjects as conform themſelves to the Doctrine and Ceremony of the Church of *England*, under that name laying upon them divers falſe and malicious Imputations, ſo to bring them into jealouſie and diſpleaſure with his moſt Excellent Majeſty, and into reproach and ignominy with the reſt of the people, to the great danger of Sedition and Diſturbance in the State, if it be not timely prevented.

That the Scope and end of the ſaid *Richard Montague* in the Books before mentioned, is to give encouragement to Popery, and to withdraw his Majeſties Subjects from the true Religion eſtabliſhed, to the Roman Superſtition, and conſequently to be reconciled to the Sea of *Rome*; All which he laboreth by ſubtile and cunning ways, whereby Gods True Religion hath been much ſcandalized, thoſe Miſchiefs introduced which the wiſdom of many Laws hath endeavored to prevent, the Devices and Practices of his Majeſties Enemies have been furthered and advanced, to the great peril and hazard of our Soveraign Lord the King, and of all his Dominions and loving Subjects.

That the ſaid *Richard Montague* hath inſerted into the ſaid Book, called *The Appeal*, divers paſſages diſhonorable to the late King, his Majeſties Father of famous memory, full of bitterneſs, railing and injurious Speeches to other perſons, diſgraceſull and contemptible to many worthy Divines both of this Kingdom, and of other Reformed Churches beyond the Seas, impious and profane in ſcoffing at preaching, meditating and conferring, Pulpits, Lectures, Bible, and all ſhew of Religion; all which do aggravate his former Offences, having proceeded from malicious and envenomed heat againſt the Peace of the Church, and the ſincerity of the Reformed Religion publickly profeſſed, and by Law eſtabliſhed in this Kingdom. All which Offences, being to the diſhonor of God, and of moſt miſchievous effect and conſequence againſt the good of this Church and Commonwealth of *England*, and of other his Majeſties Realms

An. 1625. Realms and Dominions. The Commons assembled in Parliament, do hereby pray, That the said *Richard Montague* may be punished according to his Demerits, in such exemplary manner, as may deter others from attempting so presumptuously to disturb the Peace of Church and State, and that the Book aforesaid, may be suppressed and Burnt.

Whether an Answer was made to these Articles by Mr *Montague*, we cannot tell, for upon search we can finde none.

People prohibited for going to Mass at Ambassadors Houses.

About the same time his Majesty being informed that there was great liberty taken by divers of his Subjects to resort to the hearing of Masse at *Durham-house* in the Lodgings of a Foraign Ambassodor; the Privy Council taking notice thereof, and accounting it scandalous to this Church, and of ill example to be suffered at any time, but much more in this time of Parliament, required the Bishop of *Durham* to apprehend such of his Majesties Subjects as should be present at the Masse, and to commit them to Prison. A

There was also a Letter sent from the Attorney-General to the Judges of the Circuits, to direct their Proceedings against Recusants, to this effect. B

The Atturney's Letter to the Judges concerning Recusants.

THat their Lordships will not omit to publish the Kings Gracious and Religious Determination, to go on really and constantly in this way, and that out of his bounty and goodness he hath published his Resolution under the Great Seal of England, *That whatsoever Revenue or Benefit shall arise hereby, from Purses of Popish Recusants, shall be set apart from his own Treasure, and be wholly imployed for the Service of the Commonwealth, and shall not be dispensed with to any of what degree soever, nor diverted by any the Suits of his Servants or Subjects.* C

2. *That their Lordships will be pleased at their first coming into every County within their Circuit, to command the Clerk of Assise, and Clerk of the Peace, to be carefull for the Indictment of Popish Recusants, without respect of Persons, of what Degree of Honor or Office soever; and that they neither make, nor suffer to be made any omission, or mistaking in their Indictment, or other proceedings; and that the next Term, within ten dayes of the beginning of the Term they give or send to him* (viz. *the Attorney*) *a note in writing, who stand indicted of new, and that they fail not to certifie the Recusants convicted into the Exchequer by that time.* D

That at their Lordships first coming into the County they call the Justices of Peace then present, and the Grand-Jury men to give their Lordships true Information of the Recusants of any Note or Name in that Country; and that thereupon their Lordships will be pleased to take care that the Grand-Jury men, either by Evidence, or their own Knowledge indict them which are not already indicted, before the end of the Assises; and that their Lordships admit no Traverse, unless the Persons convicted have first yeilded their bodies into the custody of the Sheriff, as their Lordships know well all the Judges with one voice resolved the Law to be. E

3. *That there be special care taken of Schoolmasters and Teachers of any kinde, who are Popish, that they be presented and proceeded against.*

4. *That their Lordships give knowledge to the Counties where they sit, that the married Women, who are Popish Recusants, convicted by the Law ought to be committed to the Common-Goal without Bail, unless their husbands redeem their liberty by the constant payment of* 10 *l. a moneth, and that it must be executed.* F

Inner-Temple, Mar. 7. 1625.

Your Lordships ready to be commanded,
ROB. HEATH.

The

1 *Caroli.*

The Commons proceeded in the Examination of Grievances, and had a Report made unto them, That the reaſon wherefore our Merchants Ships and Goods were ſeiſed in *France*, was by reaſon of Sir *James Bagg*, Vice-Admiral for *Cornwal*, and other mens dealings towards the French in ſeiſing upon their goods in ſeveral Ports in *England*, and particularly the ſeiſing of the Ship called the *Peter* of *New-haven*, and brought into *Plymouth* by order from the Lord
A Duke, after the King and Council had ordered this Ship to be reſtored upon a juſt Claim, and that the Court of Admiralty had alſo releaſed her; That till this action the French did not begin to ſeiſe any Engliſh Goods or Ships; That twenty and three bags of ſilver, and eight bags of gold were by Sir *Francis Steward* delivered to the Lord Duke; the Duke having notice hereof, ſaid, he would juſtifie the ſtay of the Ship by order from the King.

B The Council of War appointed to manage the buſineſs for the relief of the *Palatinate*, were called into the Houſe of Commons, and this Queſtion was propounded unto them; Whether their Advice was followed which they gave for the four Ends mentioned in the Act of Parliament 21 *Jacobi*, for which the moneys given by that Act were to iſſue? Lord *Carey* Earl of *Totnes*, and Lord *Brook* deſired to be excuſed from anſwering; the Lord *Vere* ſaid, He had been much abſent in the *Low-Countries*, and could ſay little; C the Lord *Grandiſon* ſaid, that ſince *July* laſt they had ſeldom met; Sir *Robert Manſel*, and Sir *John Oyle* deſired a Copy of the Queſtion, and that they might all confer together before they gave Anſwer to a Queſtion of this Concernment: Afterwards the ſame perſons (except the Lord *Vere*) were called in again, who gave unſatisfactory anſwers, when they were preſſed to deal clearly and fully in the buſineſs; It was anſwered by ſome of them, That they conceived by the Act of Parliament they were bound to make D no other Anſwer then what they had done: Others deſired before they anſwered, that they might have the Kings conſent firſt; That obtained, and a ſpecial Order of the Houſe requiring an Anſwer, Sir *Robert Manſel* declared his readineſs to give a cleer and full Account.

The Council of War for the *Palatinate*, queſtioned in the Houſe of Commons.

While matters were thus debated, Mr Secretary *Cook* delivered a Meſſage from the King to the Commons, declaring his Majeſties occaſion for Supply.

E This Meſſage was ſtrengthened by a Conference which the Lords, deſired with the Commons; where *William* Earl of *Pembrook* repreſented the Affairs of *Chriſtendom*, how they ſtood before the breach of the Treaties with *Spain*, and how at that preſent; ſhewing, That the condition of the *Palatinate* was nothing bettered; That Count *Mansfiels* Army was raiſed for the diverſion of the League Catholick in *Germany*; That the King of *Denmark* had thereupon engaged himſelf to ſtand or fall in this Quarrel, in caſe of Supplies; That the Swedes were forward; and laſtly, That his Majeſty had made a ſtrict Alliance with F the Hollander upon theſe terms, That they ſhall bear a fourth part of the expence of our Navy, and onely have a fourth part of the ſpoils; the Lands and Cities conquered to be the Kings: The fruits of all rich advantages will be loſt, if a ſpeedy Aſſiſtance be not reſolved on.

The Earl of *Pembroke* at a Conference preſſeth Supply.

An. 1625.

Reports from the Committee concerning Evils and Remedies.

The Commons not thinking fit to take into consideration the matter of Supply at present, call for a Report from the Committee appointed to consider of the Causes and Remedies of Evils, which being made by Mr *Wandesford*; it was resolved, That the Diminution of the Kingdom in strength and honor, is a general Evil which we suffer under; a second, the increase and countenancing of Papists; a third, the not guarding of the narrow Seas; a fourth, Plurality of Offices in one hand; a fifth, sales of Honors and places of Judicature; a sixth, delivery up of Ships to the French; a Seventh, misimployment of three Subsidies and three fifteens, *&c.* And they further ordered, That the Duke whom these Misdemenors especially reflected on, have notice that the Commons House intend suddenly to resume the debate of these things, and Mr *Clement Cook* said openly, *That it were better to die by an Enemy, then to suffer at home.*

A Committee of the Lords House, to consider of the safety of the Kingdom;

The Lords at that time, more readily complying with the Kings desires, appointed a Committee to consider of the safety and defence of the Kingdom in general, and particularly of the safeguard of the Seas, the store of Ammunition and Arms, and all things incident thereunto, and of strengthening the Forts; for this the King gave them thanks, and desired them to proceed with alacrity.

comunicated to the Commons.

The Committee of Lords made haste and reported their advice to the House, That one Fleet be presently set to Sea against the King of *Spain* to annoy him, and to prevent the Invasion of this Kingdom: That another be set out to defend our own Coasts, and the Merchants from Pirats; and that consideration be had of maintaining the Armies under the King of *Denmark* and Count *Mansfield*; but the House would give no opinion thereupon, till they had Conference with the House of Commons, which was desired upon this occasion.

Not well resented.

To which Message the Commons onely returned this Answer, That they desire to have a good correspondency with their Lordships, and will be ever carefull of the safety and defence of the Kingdom, and maintain their own priviledges, as is fitting, and immediately proceed with the debate concerning the Duke, which was a little interrupted, as well by a Letter of the Kings to the Speaker, as by a Message delivered by Sir *Richard Weston* touching Supply.

King *Charles* to the Speaker.

Trusty and Welbeloved, &c.

The Kings Letter to the Speaker.

Having assembled the Parliament early in the beginning of the year, for the more timely help and advice of our People in our great and important Affairs; and having of late, not onely by Message, but also of our self, put our House of Commons in minde of our pressing occasions, and of the present Estate of Christendom, *wherein they have equal interest with us, as well in respect of their own former engagements, as of the common Cause; we shall not need to tell them with what care and patience we have in the middest of our Necessities attended their Resolutions; but because their unseasonable slowness may produce at home as ill effects as a Denial, and hazard the whole Estate of things abroad; we have thought fit by you the Speaker, to let them know, that without more loss of time, we look for a full and perfect Answer of what they will give for our Supply, according to our expectation and*

and their promiſes; wherein, as we preſs for nothing beyond the preſent ſtate and condition of our Subjects, ſo we accept no leſs then is proportionable to the greatneſs and goodneſs of the Cauſe; neither do we preſs them to a preſent Reſolution in this, with a purpoſe to precipitate their Counſels, much leſs to enter upon their Priviledges, but to ſhew, that it is unfit to depend any longer upon uncertainties; whereby the whole weight of the Affairs of Chriſtendom *may break in upon us upon the ſudden, to our diſhonor and the ſhame of this Nation: And for the buſineſs at home, we command you to promiſe them in our Name, that after they have ſatisfied us in this our reaſonable Demand, we ſhall not onely continue them together at this time ſo long as the ſeaſon will permit, but call them ſhortly again to perfect thoſe neceſſary buſineſſes which ſhall be now left undone; and now we ſhall willingly apply fit and ſeaſonable remedies to ſuch juſt Grievances which they ſhall preſent unto us in a dutifull and mannerly way, without throwing an ill odor upon our preſent Government, or upon the Government of our late bleſſed Father; and if there be yet who deſire to finde fault, we ſhall think him the wiſeſt reprehendor of errors paſt, who without reflecting backward, can give us counſel how to ſettle the preſent eſtate of things, and to provide for the future ſafety and honor of the Kingdom.* 1 Caroli.

The Heads of Sir *Richard Weſtons* Meſſage for drawing a more ſpeedy reſolution from the Houſe, beſides that formerly underſtood concerning the King of *Denmark*, Count *Mansfield* and his Majeſties Army in the *Low-Countries*, were theſe.

Sir *Richard Weſtons Meſſage.*

I. That his Majeſties Fleet being returned, and the victuals ſpent, the men muſt of neceſsity be diſcharged, and their wages paid, or elſe an aſſured mutiny will follow, which may be many wayes dangerous at this time.

II. That his Majeſty hath made ready about forty ſhips to be ſet forth on a ſecond voyage to hinder the Enemy, which want onely victuals and ſome men, which without preſent ſupply of money cannot be ſet forth and kept together.

III. That the Army which is appointed in every Coaſt muſt preſently be disbanded, if they be not preſently ſupplied with victuals and clothes.

IV. That if the Companies of Ireland lately ſent thither be not provided for, inſtead of defending that Country, they will prove the Authors of Rebellion.

V. That the ſeaſon of providing healthfull victuals will be paſt if this Moneth be neglected.

And therefore his Majeſty commanded me to tell you, that he deſired to know without further delaying of time, what ſupply you will give him for theſe his preſent occaſions, that he may accordingly frame his courſe and counſel.

Which Meſſage produced this Anſwer from the Commons.

An. 1625.

The Commons Answer to the Kings Message by Sir *Richard Weston*.

Most gracious Soveraign,

"YOur Majesties Dutifull and Loyal Subjects the Commons now "assembled in Parliament, in all humility present unto your Royal "wisdom this their Loyal Answer to the Message which your Ma- "jesty was pleased by the Chancellor of your Exchequer to send unto "them, desiring to know without any further deferring of time, what Sup- "ply they would give to your Majesty for your present and extraordi- "nary occasions, that you might accordingly frame your Courses and "Counsels: First of all, they most humbly beseech your Majesty to "know and rest assured, That no King was ever dearer to his peo- "ple, then your Majesty; no people more zealous to maintain and "advance the Honor and Greatness of their King, then they; which, "as upon all occasions they shall be ready to express, so especially in the "Support of that Cause wherein your Majesty and your Allies are now "justly engaged. And because they cannot doubt but your Majesty in "your great wisdom, even out of Justice, and according to the Example "of your most famous Predecessors, will be pleased graciously to accept "the faithfull and necessary Information and Advice of your Parliament, "which can have no end but the service of your Majesty, and safety of "your Realm, in discovering the Causes, and proposing the Remedies "of these great Evils which have occasioned your Majesties Wants and "your Peoples Grief:

"They therefore, in confidence and full assurance of Redress therein, "do with one consent propose (though in former time such Course hath "been unused) that they really intend to assist and supply your Majesty "in such a way, and in so ample a measure, as may make you safe at "home, and feared abroad; for the dispatch whereof they will use "such diligence, as your Majesties pressing and present occasions shall "require.

His Majesty makes this Reply to the Commons Answer.

Mr Speaker,

The Kings Reply.

"THe Answer of the Commons delivered by you, I like well of, "and do take it for a full and satisfactory Answer, and I thank "them for it, and I hope you will with all Expedition take a "Course for performance thereof, the which will turn to your own good "as well as mine; but for your Clause therein of presenting of Grie- "vances, I take that but for a Parenthesis in your Speech, and not "a Condition; and yet, for answer to that part, I will tell you, I will be "as willing to hear your Grievances, as my Predecessors have been, so "that you will apply your selves to *redress Grievances*, and not to *enquire* "*after Grievances*. I must let you know, that I will not allow any of my "Servants to be questioned amongst you; much less such as are of emi- "nent place, and neer unto me: The old question was, *What shall be* "*done to the man whom the King will honor?* but now it hath been the "labor of some, to seek what may be done against him whom the King "thinks fit to honor. I see you specially aim at the Duke of *Bucking-* "*ham*; I wonder what hath so altered your affections towards him; I "do well remember that in the last Parliament in my Fathers time, when "he

1 *Caroli.*

"he was an Inſtrument to break the Treaties, all of you (and yet I can-
"not ſay all, for I know ſome of you are changed, but yet the Houſe of
"Commons is alwayes the ſame) did ſo much honor and reſpect him,
"that all the honor conferred on him was too little; and what he hath
"done ſince to alter or change your mindes, I wot not; but can aſſure
"you, he hath not medled, or done any thing concerning the Publick or
"Commonwealth, but by ſpecial directions and appointment, and as
"my Servant, and is ſo far from gaining or improving his Eſtate thereby,
"that I verily think he hath rather impaired the ſame. I would you
"would haſten for my Supply, or elſe it will be worſe for your ſelves;
"For if any ill happen, I think I ſhall be the laſt ſhall feel it.

Afterwards the Commons fell upon the Duke, as the chief Cauſe of all Publick Miſcarriages. Doctor *Turner* a Phyſitian propounded in the Houſe theſe Queſtions, which were then commonly called *Queries* againſt the Duke of *Buckingham*, and were grounded upon Publick Fame.

Doctor *Turners* Queries againſt the Duke.

1. *Whether the Duke being Admiral, be not the Cauſe of the loſs of the Kings Royalty in the Narrow-Seas?*

2. *Whether the unreaſonable, exorbitant and immenſe Gifts of Money and Lands beſtowed on the Duke and his Kindred, be not the Cauſe of impairing the Kings Revenue, and impoveriſhing of the Crown?*

3. *Whether the Multiplicity of Offices conferred upon the Duke and others depending upon him, (whereof they were not capable) be not the Cauſe of the Evil Government of this Kingdom?*

4. *Whether Recuſants in general, by a kind of Connivencie, be not borne out and increaſed by reaſon of the Dukes Mother and Father-in-law, being known Papiſts.*

5. *Whether the Sale of Honors, Offices, and Places of Judicature and Eccleſiaſtical Livings and Promotions, (a ſcandal and hurt to the Kingdom) be not through the Duke?*

6. *Whether the Dukes ſtaying at home, being Admiral and General in the Fleet of the Sea, and Land-Army, were not the Cauſe of the bad ſucceſs and overthrow of that Action; And whether he did give good direction for that Deſign? (All theſe are famed to be ſo.)*

Hereupon two Queſtions were moved in Parliament.

1. *Whether the Six Heads delivered by Doctor* Turner *to be the Cauſe of the Evils that were grounded upon Common Fame, be to be debated in Parliament?*

2. *Whether an Accuſation upon Common Fame by a Member of this Houſe, be a Parliamentary way?*

It was declared by Sir *Tho. Wentworth*, Mr. *Noy*, and other Lawyers in the Debate, That there was a difference between Common Fame and Rumor: For the General voice (*Vox populi*) is Common Fame: And if Common Fame might not be admitted as an Accuſer, Great men would be the onely ſafe men; for no Private perſon dare adventure to enquire into their Actions: But the Houſe of Commons is a Houſe of Information and Preſentment, but not a Houſe of Definitive Judgment.

So the Houſe came to this Reſolution; *That Common Fame is a good ground of Proceeding for this Houſe, either by Enquiry, or preſenting the Complaint (if the Houſe finds cauſe) to the King or Lords.*

The

An. 1625.

The Commons the next day proceeding in that Debate, Sir *Richard Weſton* delivered to the Houſe this Meſſage from his Majeſty.

Another Meſſage from the King by Sir *Richard Weſton.*

"THat his Majeſty had taken notice of a ſeditious Speech uttered "in the Houſe by Mr. *Clement Cook*: The words are ſaid to be to "this effect; *That it were better to die by an Enemy, then to ſuffer at* "*home.* Yet his Majeſty in his wiſdom hath forborne to take any courſe "therein, or to ſend to the Houſe about it, not doubting but the Houſe A "would in due time correct ſuch an Inſolence. But his Majeſty hath found "that his patience hath wrought to an ill effect, and hath imboldened one "ſince to do a ſtrange act, in a ſtrange way and unuſual; that is, Doctor "*Turner*; who on Saturday laſt, without any ground of knowledge in "himſelf, or Proof tendred to the Houſe, made an Enquiry of ſundry "Articles againſt the Duke of *Buckingham*, as he pretended, but indeed "againſt the Honor and Government of the King and his late Father. "This his Majeſty ſaith is ſuch an Example, that he can by no means B "ſuffer, though it were to make Enquiry of the meaneſt of his Servants, "much leſs againſt one ſo neer unto himſelf; and doth wonder at the "fooliſh impudencie of any man that can think he ſhould be drawn out "of any end to offer ſuch a Sacrifice, much unworthy the greatneſs of a "King, and Maſter of ſuch a Servant. And therefore his Majeſty can no "longer uſe his wonted patience, but deſireth the Juſtice of the Houſe "againſt the Delinquents; not doubting but ſuch courſe will be taken, C "that he ſhall not be conſtrained to uſe his Regal authority to right him- "ſelf againſt theſe two Perſons.

Dr. *Turners* Explanation.

Upon this Meſſage, Doctor *Turner* made a ſhort Explanation of himſelf, deſiring to know wherewith he was charged: What he ſaid, he ſaid the Houſe can witneſs; and what he ſaid, he ſpake for the general good of the Commonwealth, and not upon the leaſt reflection of any in particular. This he thought a Parliamentary way warranted by antient Preſidents. To accuſe upon *Common Fame*, he finds warranted firſt by the D Imperial Roman Laws and the Canons of the Church, which allowed Common Fame ſufficient to accuſe any man. And they that are learned amongſt them, give two reaſons: Firſt, for Greatneſs; Next, for Cunning. Our Anceſtors within theſe walls have done the like, and that to a Duke, the Duke of *Suffolk* in the time of King *H.* 6. who was accuſed upon Fame. And laſtly (he ſaid) Mr. Chancellor himſelf did preſent the *Common Undertakers* upon Particular Fame; and why he ſhould not have as ample priviledge in this place, he knew no reaſon to the contrary. E

The Commons having appointed another day for the Debate of this Buſineſs, in the mean time came this Letter from Doctor *Turner* to the Speaker.

Dr. *Turners* Letter to the Speaker.

SIR,

THeſe Lines firſt Petition you to ſignifie to the Honorable Houſe of Commons, That my deſires are ſtill the ſame to have made my perſonal appearance before you, but my ability and ſtrength to perform it are F *not the ſame; And therefore that I humbly deſire them to excuſe me on that part, and to accept of this my Anſwer unto the matter I ſhall ſpeak to. I do confeſs, that on Saturday laſt in the afternoon I did deliver in certain Accuſations of Common Fame into the Houſe of Parliament againſt my Lord Admiral; and that out of ſo many (all bearing the ſignature of* Vox populi) *I choſe out ſome few,*

1 Caroli.

few, not because they were greater, or more known Grievances, but because they did seem to direct us to find out the Griever, or the first Cause: For I did think it was then full time to agree the Agent and the Actions, and that it was time also to leave considering Grievances in Arbitration. I do now also agree unto you that which hath been reported unto you by Mr. Wandesford; *and by that, if you shall think fit, will put my self unto your Censure: hoping and assuring my self, that you will find my design to include nothing else within it but duty and publick service to my Country; and also that my addressing these Accusations unto the House of Parliament, shall by you be found to be done by a mannerly and Parliamentary way. But howsoever it becomes me to submit my Cause to your Wisdoms and equal Judgments; which I do heartily; and whatsoever you shall please to appoint me, I shall dutifully satisfie, when God shall be pleased to restore me able to attend your service. I doubt not but to give you an honest accompt of all my Actions herein; And if I shall first to my grave, I desire, if you find me cleer, the reputation of an Honest man and an English-man may attend me thereunto. Thus I rest*

Your dutiful and humble Servant,

To the Honorable Sir *Henage Finch*, Speaker of the House of Commons.

SAMUEL TURNER.

Sir *W. Walters* opinion of the Cause of Grievances.

The Monday following, Sir *W. Walter* (if the Name be not miswritten in our Collections) represented to the House, That the Cause of all the Grievances was, for that (according as it was said of *Lewis* the Eleventh King of *France*) *All the Kings Council rides upon one horse.* And therefore the Parliament was to advise his Majesty, as *Jethro* did *Moses*, to take unto him Assistants with these qualities.

1. *Noble* from among all the People; not Upstarts, and of a Nights growth.

2. Men of *Courage*; such as will execute their own Places, and not commit them to base and undeserving Deputies.

3. *Fearing God*; who halt not betwixt two opinions, or incline to False worship in respect of a Mother, Wife or Father.

4. *Dealing truly*; for Courtship, Flattery and Pretence become not Kings Councellors, but they must be such as the King and Kingdom may trust.

5. *Hating Covetousness*; No Bribers nor Sellers of Places in Church or Commonwealth, much less Honors and Places about the King, and least of all such as live upon other mens ruines.

6. They should be *many*, set over Thousands, Hundreds, Fifties and Tens, (one Man not ingrossing all.) Where there is abundance of Counsel, there is Peace and Safety.

7. They must judge of *small matters*; the greater must go to the King himself, not all to the Council, much less any one Counsellor must alone manage the whole weight, but Royal actions must be done only by the King.

8. Lastly, *Moses* chose them *Elders*, not Young men. *Solomon* by miracle and revelation was wise being young; but neither his Son nor his young Counsellors had that priviledge: No more is it expected in any of our Counsellors, until by age and experience they have attained it.

Sir *John Elliot* continued the Debate, and thus spake.

We

An. 1625.

Sir *John Eliot* purſues the Argument againſt the Duke.

"WE have had (ſays he) a repreſentation of great fear, but I hope "that ſhall not darken our underſtandings. There are but two "things conſiderable in this buſineſs: Firſt, the Occaſion of "our Meeting; and ſecondly, the preſent State of our own Country. "The firſt of theſe we all know, and it hath at large been made known "unto us, and therefore needeth no diſpute. The latter of theſe we ought "to make known, and draw and ſhew it as in a Perſpective in this Houſe: "For our wills and affections were never more clear, more ready "as to his Majeſty, but perhaps bauk'd and check'd in our forward- "neſs by thoſe the King intruſts with the affairs of the Kingdom. "The laſt Action, was the Kings firſt Action; and the firſt Actions "and Deſigns of Kings are of great obſervance in the eye of the World; "for therein much dependeth the eſteem, or diſeſteem of their future pro- "ceedings: And in this Action the King and Kingdom have ſuffered "much diſhonor; We are weakned in our ſtrength and ſafety, and many "of our men and ſhips are loſt. This great Deſign was fixed on the "perſon of the Lord General, who had the whole Command both by "Sea and Land: And can this great General think it ſufficient to put in "his Deputy, and ſtay at home? Count *Mansfield's* Actions were ſo mi- "ſerable, and the going out of thoſe men ſo ill managed, as we are ſcarce "able to ſay they went out. That handful of men ſent to the *Palatinate*, "and not ſeconded, what a loſs was it to all *Germany*? We know well "who had then the Kings ear. I could ſpeak of the Action of *Algier*, "but I will not look ſo far backward. Are not Honors now ſold, and "made deſpicable? Are not Judicial Places ſold? and do not they then "ſell Juſtice again? *Vendere jure poteſt, emerat ille prius. Tully* in an Ora- "tion againſt *Verres* notes, That the Nations were Suitors to the Senate "of *Rome*, that the Law *De pecuniis repetundis* might be recalled: Which "ſeems ſtrange, that thoſe that were Suitors for the Law, ſhould ſeek again "to repeal it; but the reaſon was, it was perverted to their ill. So it is "now with us; beſides inferior and ſubordinate perſons that muſt have "Gratuities, they muſt now feed their great Patrons.

"I ſhall to our preſent Caſe cite two Preſidents. The firſt is 16 *H.* 3. "The Treaſure was then much exhauſted, many Diſorders complained "on, the King wronged by ſome Miniſters; many Subſidies were then "demanded in Parliament, but they were denied: And then the Lords "and Commons joined to deſire the King to reaſſume the Lands which "were improvidently granted, and to examine his great Officers, and the "Cauſes of thoſe Evils which the People then ſuffered. This was yielded "unto by the King, and *Hugo de Burgo* was found faulty and was diſ- "placed, and then the Commons in the ſame Parliament gave Supply. "The ſecond Preſident was in the Tenth year of *Richard* the Second: "Then the Times were ſuch, and Places ſo changeable, that any great "Officer could hardly ſit to be warmed in his Place: Then alſo Monies "had been formerly given, and Supply was at that Parliament required; "but the Commons denied Supply, and complained that their Monies "were miſimployed, That the Earl of *Suffolk* then overruled all; and "ſo their Anſwer was, *They could not give:* And they petitioned the "King, that a Commiſſion might be granted, and that the Earl of *Suffolk* "might be examined. A Commiſſion at their requeſt was awarded, and "that Commiſſion recites all the Evil then complained of; and that the "King upon the Petition of the Lords and Commons had granted that

Exami-

"Examination ſhould be taken of the Crown-Lands which were ſold, of "the Ordering of his Houſhold, and the Diſpoſition of the Jewels of his "Grandfather, and Father. I hear nothing ſaid in this Houſe of our Jewels; "nor will I ſpeak of them, but I could wiſh they were within theſe walls. "We are now in the ſame caſe with thoſe former Times; we ſuffer "alike, or worſe: And therefore unleſs we ſeek redreſs of theſe great "Evils, we ſhall find diſability in the wills of the People to grant. "I wiſh therefore that we may hold a dutiful purſuance in preparing "and preſenting our Grievances. For the Three Subſidies and Three "Fifteens which are propoſed, I hold the proportion will not ſuit with "what we would give; but yet I know it is all we are able to do or can "give; and yet this is not to be the ſtint of our affections, but to come "again to give more upon juſt occaſions. 2 Caroli.

In the heat of theſe Agitations, the Commons notwithſtanding remembred the Kings Neceſſities, and took the matter of Supply into conſideration, and Voted Three Subſidies and Three Fifteens to be paid the laſt day of *June*, and the laſt of *October* next following; and that the Act be brought in as ſoon as Grievances are preſented to, and anſwered by the King. And the Commons the ſame day reſumed the Debate again concerning the Duke, and Miſgovernment and Miſimployment of the Revenue, &c. Ordered the Duke to have notice again thereof. Three Subſidies and Three Fifteens, Voted. Debate concerning the Duke, reſumed.

The next day the King ſent a Meſſage to the Houſe of Commons, That they do to morrow at Nine of the clock attend his Majeſty in the Hall at *Whitehall*, (and in the mean time all Proceedings in the Houſe and Committee to ceaſe.) Where his Majeſty made this enſuing Speech.

My Lords and Gentlemen,

"I Have called you hither to day, I mean both Houſes of Parliament; "but it is for ſeveral and diſtinct reaſons: *My Lords*, you of the Upper "House, to give you thanks for the Care of the State of the Kingdom "now; and not only for the Care of your own Proceedings, but for in- "citing your Fellow-Houſe of the Commons to take that into their con- "ſideration. Therefore (my Lords) I muſt not only give you thanks, but "I muſt alſo avow, that if this Parliament do not redound to the good of "this Kingdom, (which I pray God it may) it is not your faults. And "you Gentlemen of the Houſe of Commons, I am ſorry that I may not "juſtly give the ſame thanks to you; but that I muſt tell you, that I am "come here to ſhew you your errors, and as I may call it, Unparliamentary "proceedings in this Parliament. But I do not deſpair, becauſe you ſhall "ſee your faults ſo clearly by the Lord Keeper, that you may ſo amend "your Proceeding, that this Parliament ſhall end comfortably and hap- "pily, though at the beginning it hath had ſome rubs. The Kings Speech, *March* 29.

Then the Lord Keeper, by the Kings command, ſpake next.

"MY Lords, and you the Knights, Citizens and Burgeſſes of the "House of Commons: You are here aſſembled by his Majeſties "commandment, to receive a Declaration of his Royal pleaſure; which "although it be intended only to the Houſe of Commons, yet his Majeſty "hath thought meet, the matter being of great weight and importance, The Lord Keepers Speech.

An. 1626. "it ſhould be delivered in the preſence of both Houſes, and both "Houſes make one General Council: And his Majeſty is willing that "the Lords ſhould be Witneſſes of the Honor and Juſtice of his Re- "ſolutions. And therefore the Errand which by his Majeſties direction "I muſt deliver, hath relation to the Houſe of Commons. I muſt "addreſs my ſelf therefore to you *Mr. Speaker*, and the reſt of that "Houſe.

"And firſt his Majeſty would have you to underſtand, That there "was never any King more loving to his People, or better affectioned "to the right uſe of Parliaments, then his Majeſty hath approved him- "ſelf to be, not only by his long patience ſince the ſitting down of this "Parliament, but by thoſe mild and calm Directions which from time "to time that Houſe hath received by Meſſage, and Letter, and from his "Royal mouth; when the irregular humors of ſome particular perſons "wrought diverſions and diſtractions there, to the diſturbance of thoſe "great and weighty Affairs, which the Neceſſity of the Times, the honor "and ſafety of the King and Kingdom, called upon. And therefore his "Majeſty doth aſſure you, that when theſe great Affairs are ſetled, and "that his Majeſty hath received ſatisfaction of his reaſonable Demands, "he will as a juſt King hear and anſwer your juſt Grievances, which "in a dutiful way ſhall be preſented unto him; and this his Majeſty "doth avow.

"Next his Majeſty would have you know of a ſurety, That as "never any King was more loving to his People, nor better affectioned "to the right uſe of Parliaments; ſo never King more jealous of his "Honor, nor more ſenſible of the neglect and contempt of his Royal "Rights, which his Majeſty will by no means ſuffer to be violated by "any pretended colour of Parliamentary Liberty; wherein his Majeſty "doth not forget that the Parliament is his Council, and therefore ought "to have the liberty of a Council; but his Majeſty underſtands the dif- "ference betwixt Council and Controlling, and between Liberty and "the Abuſe of Liberty.

"This being ſet down in general, his Majeſty hath commanded me "to relate ſome particular paſſages and proceedings whereat he finds "himſelf agrieved.

"Firſt, Whereas a ſeditious ſpeech was uttered amongſt you by "Mr. *Cook*, the Houſe did not, as they ought to do, cenſure and correct "him. And when his Majeſty underſtanding it, did by a Meſſage by "Mr. Chancellor of the *Exchequer* delivered to the Houſe, require Juſtice "of you, his Majeſty hath ſince found nothing but protracting and de- "laies. This his Majeſty holds not agreeable to the wiſdom and the duty "which he expected from the Houſe of Commons.

"Secondly, Whereas Doctor *Turner* in a ſtrange Unparliamentary "way, without any ground of knowledge in himſelf, or offering any par- "ticular proof to the Houſe, did take upon him to adviſe the Houſe "to enquire upon ſundry Articles againſt the Duke of *Buckingham*, as "he pretended, but in truth to wound the Honor and Government "of his Majeſty, and of his renowned Father; And his Majeſty firſt "by a Meſſage, and after by his own Royal mouth did declare, That "that Courſe of Enquiry was an Example which by no way he could "ſuffer, though it were againſt his meaneſt Servant, much leſs againſt "one ſo neer him; and that his Majeſty did much wonder at the fooliſh "inſolencie of any man that can think that his Majeſty ſhould be drawn

2 Caroli.

"out of any end to offer such a Sacrifice so unworthy of a King,
"or a good Master: Yet for all this, you have been so far from
"correcting the Insolencie of *Turner*, that ever since that time your
"Committees have walked in the steps of *Turner*; and proceeded
"in an Unparliamentary Inquisition, running upon generals, and re-
"peating that whereof you have made Fame the groundwork. Here
"his Majesty hath cause to be exceeding sensible, that upon every
A "particular he finds the Honor of his Father stained and blemished, and
"his own no less; and withal you have manifested a great forwardness
"rather to pluck out of his bosom those who are neer about him, and
"whom his Majesty hath cause to affect, then to trust his Majesty with
"the future reformation of these things which you seem to aim at: And
"yet you cannot deny but his Majesty hath wrought a greater Reforma-
"tion in matters of Religion, Execution of the Laws, and concerning
"things of great importance, then the shortness of his Reign (in which
B "he hath been hindred partly through sickness, and the distraction
"of things which we could have wished had been otherwise) could
"produce.

"Concerning the Duke of *Buckingham*, his Majesty hath command-
"ed me to tell you, That himself doth better know then any man living
"the sincerity of the Dukes proceedings; with what cautions of weight
"and discretion he hath been guided in his publick Imployments from his
"Majesty and his blessed Father; what Enemies he hath procured at
C "home and abroad; what peril of his person and hazard of his estate
"he ran into for the service of his Majesty, and his ever blessed Father,
"and how forward he hath been in the service of this House many times
"since his return from *Spain*. And therefore his Majesty cannot believe
"that the aim is at the Duke of *Buckingham*, but findeth that these Pro-
"ceedings do directly wound the Honor and Judgment of himself, and
"of his Father. It is therefore his Majesties expres and final command-
"ment, That you yield obedience unto those Directions which you have
D "formerly received, and cease this Unparliamentary Inquisition, and com-
"mit unto his Majesties care, and wisdom, and justice, the future refor-
"mation of these things which you suppose to be otherwise then they
"should be: And his Majesty is resolved, that before the end of this
"Session, he will set such a Course both for the amending of any
"thing that may be found amiss, and for the setling of his own E-
"state, as he doubteth not but will give you ample satisfaction and
"comfort.

E "Next to this his Majesty taketh notice, That you have suffered
"the greatest Council of State to be censured and traduced in the
"House, by men whose Years and Education cannot attain to that
"depth: That Forein businesses have been entertained in the House,
"to the hinderance and disadvantage of his Majesties Negotiations:
"That the same Year, yea the first Day of his Majesties Inauguration,
"you suffered his Council, Government, and Servants, to be parallel'd
"with the Times of most Exception: That your Committees have
F "presumed to examine the Letters of Secretaries of State, nay his
"own, and sent a general Warrant to his Signet-Office, and com-
"manded his Officers not only to produce and shew the Records,
"but their Books and private Notes, which they made for his Maje-
"sties service. This his Majesty holds as unsufferable, as it was in for-
"mer times unusual.

An. 1626.

"Next I am to speak concerning your Supply of Three Subsidies "and Three Fifteens, which you have agreed to tender to his Majesty. "You have been made acquainted with the greatness of his affairs both "at home and abroad, with the strong Preparation of the Enemy, with "the Importance of upholding his Allies, strengthening and securing "both *England* and *Ireland*, besides the encountring and annoying the "Enemy by a powerful Fleet at Sea; and the Charge of all: This having "been calculated unto you, you have professed unto his Majesty by the A "mouth of your Speaker, your carefulness to support the Cause wherein "his Majesty and his Allies are justly engaged; your unanimous consent "and real intention to supply his Majesty in such a measure, as should "make him safe at home, and feared abroad; And that in the dispatch "hereof you would use such diligence, as his Majesties pressing and "present occasions did require.

"And now his Majesty having erected a proceeding suitable to this "engagement, he doth observe that in two days onely of twelve, this B "business was thought of, and not begun till his Majesty by a Message put "you in minde of it, whilest your Inquisition against his Majesties direc-"tion proceeded day by day.

"And for the measure of this supply, his Majesty findeth it so far "from making himself safe at home and feared abroad, as contrariwise it "exposeth him both to danger and disesteem; for his Majesty cannot ex-"pect without better help, but that his Allies must presently disband, and "leave him alone to bear the fury of a provoked and powerful Enemy: C "So as both he and you shall be unsafe at home, and ashamed and despised "abroad. And for the manner of the Supply, it is in it self very disho-"nourable, and full of distrust; For although you have avoided the lite-"ral word of a Condition, whereof his Majesty himself did warn you "when he told you of your Parenthesis, yet you have put to it the ef-"fect of a Condition, since the Bill is not to come into your house until "your Grievances be both preferred and answered. No such thing was in D "that expression and engagement delivered by your Speaker, from which "his Majesty holdeth that you have receded both in matter and manner "to his great disadvantage and dishonour. And therefore his Majesty "commandeth that you go together, and by *Saturday* next return your "final Answer, what further Supply you will add to this you have alrea-"dy agreed on, and that to be without condition, either directly or in-"directly for the supply of these great and important Affairs of his Ma-"jesty, which for the reasons formerly made known unto you, can en-E "dure no longer delay; and if you shall not by that time resolve on a "more ample Supply, his Majesty cannot expect a Supply this way, nor "promise you to sit longer together; otherwise, if you do it, his Ma-"jesty is well content, that you shall sit so long as the season of the year "will permit; and doth assure you, that the present addition to your "supply to set forward the work, shall be no hinderance to your speedy "access again.

"His Majesty hath commanded me to add this, That therein he F "doth expect your chearfull obedience, which will put a happy issue to "this Meeting, and will enable his Majesty, not onely to a Defensive "War, but to imploy his Subjects in Foreign Actions, whereby will be "added to them both experience, safety, and honor.

"Last of all, his Majesty hath commanded me in explanation of "the gracious goodness of his Royal intention, to say unto you, that he

"doth

2 *Caroli.*

"doth well know, that there are amongſt you many wiſe and well tem-
"pered men, well affected to the Publick and to his Majeſties ſervice,
"and that thoſe that are willingly faulty, are not many; and for the
"reſt his Majeſty doubteth not, but after his gracious Admonition, they
"will in due time obſerve and follow the better ſort; which, if they ſhall
"do, his Majeſty is moſt ready to forget whatſoever is paſt.

A Then his Majeſty ſpake again,

The King proceeds.

"I muſt withall put you in minde a little of times paſt; you may re-
"remember, that in the time of my bleſſed Father, you did with your
"counſel and perſwaſion perſwade both my Father and me to break off
"the Treaties; I confeſs I was your Inſtrument, for two reaſons; one
"was, the fitneſs of the time; the other, becauſe I was ſeconded by ſo
"great and worthy a body, as the whole body of Parliament; then there
B "was no body in ſo great favor with you as this man whom you ſeem
"now to touch, but indeed, my Fathers Government and mine. Now
"that you have all things according to your wiſhes, and that I am ſo far
"ingaged, that you think there is no retreat; now you begin to ſet the
"Dice, and make your own Game; but I pray you be not deceived, it
"is not a Parliamentary way, nor it is not a way to deal with a King.

"Mr *Cook* told you, *It was better to be eaten up by a Foreign Enemy,*
"*then to be deſtroyed at home*; Indeed, I think 'tis more honor for a King
C "to be invaded, and almoſt deſtroyed by a Foreign Enemy, then to be
"deſpiſed by his own Subjects.

"Remember that Parliaments are altogether in my power for their
"Calling, Sitting, and Diſſolution; therefore, as I finde the fruits of
"them good or evil, they are to continue or not to be; And re-
"member, that if in this time, inſtead of mending your Errors, by
"delay you perſiſt in your Errors, you make them greater and irrecon-
"cileable: Whereas, on the other ſide, if you do go on cheerfully to
D "mend them, and look to the diſtreſſed State of *Chriſtendom*, and the
"Affairs of the Kingdom as it lieth now by this great Engagement;
"you will do your ſelves honor, you ſhall encourage me to go on
"with Parliaments; and I hope all *Chriſtendom* ſhall feel the good
"of it.

The Commons upon the Debate of what fell from his Majeſty and the Lord Keeper, turned the Houſe into a Grand Committee, ordered E the doors to be locked, and no Member to go forth; and that all Proceedings in all other Committees ſhall ceaſe till the Houſe come to a Reſolution in this buſineſs.

His Majeſty being informed that ſome things in his own Speeches and the Lord Keepers Declaration were ſubject to miſunderſtanding; commanded the Duke to explain them at a conference of both Houſes in the Painted-Chamber, held for that purpoſe.

The Duke at a Conference explains the Kings late Speech and the Lord Keepers Declaration.

F "WHereas it is objected by ſome who wiſh good Corre-
"ſpondency betwixt the King and People, that to prefix
"a day to give, or to break, was an unuſual thing, and
"might expreſs an inclination in the King to break; to remove this,
"as his Majeſty was free from ſuch thoughts he hath deſcended to make
"this Explanation.

That

An. 1626.

"That as his Majesty would not have you condition with him directly or indirectly, so he will not lye to a day, for giving further "Supply; but it was the pressing occasion of *Christendom* that made him "to pitch upon a day.

"His Majesty hath here a Servant of the King of *Denmark*, and "another from the Duke of *Weymer*, and yesterday received a Letter "from his Sister the Queen of *Bohemia*; who signified, that the King "of *Denmark* hath sent an Ambassador with Power to perfect the Con- A "tract which was made at the *Hague*; so it was not the King, but time and the things themselves that pressed a time.

"Therefore his Majesty is pleased to give longer time, hoping you "will not give him cause to put you in minde of it again, so that you "have a greater Latitude, if the business require to think further of it.

"I am commanded further to tell you, that if his Majesty should accept "of a less sum then will suffice, it will deceive your expectations, disap- "point his Allies, and consume the Treasure of the Kingdom: whereas B "if you give largly now, the business being at the Crisis, it comes so seaso- "nably, it may give a Turn to the Affairs of *Christendom*.

"But while we delay and suffer the time to pass, others abroad will "take advantage of it, as the King of *Spain* hath done by concluding a "Peace, as 'tis though, in *Italy* for the *Vatoline*, whereby our work is "become the greater, because there can be no diversion that way.

"As it was a good Rule to fear all things and nothing, and to be Li- "beral was sometimes to be Thrifty, so in this particular, if you give largly, C "you shall carry the War to the Enemies door, and keep that Peace at "home that hath been: Whereas, on the contrary, if you draw the War "home, it brings with it nothing but disturbance and fear, all Courses of "Justice stopt, and each mans Revenues lessened, and nothing that can "be profitable.

"Another Explanation I am commanded to make touching the "grievances, wherein his Majesty means no way to interrupt your Pro- "ceedings, but hopes you will proceed in the antient wayes of your D "Predecessors; and not so much seek faults, as the means to redress "them.

"I am further commanded to tell you, That his Majesty intends to "elect a Committee of both Houses, whom he will trust to take the view "of his Estate, the Defects whereof are not so fit for the Eyes of a "Multitude; and this Committee will be for your ease, and may satisfie "you without casting any ill odour on his Government, or laying open any "weakness that may bring shame upon us abroad. That which is pro- E "posed is so little, that when the payment comes, it will bring him to "a worse estate then now he is in; therefore wishes you to enlarge "it, but leaves the augmentation to your selves; but is sorry, and "touch'd in Conscience, that the burthen should lie on the poorest, "who want too much already; yet he will not prescribe, but wish, that "you who were the Abettors and Counsellors of this War, would take a "greater part of the Burthen to your selves; and any man that can finde "out that way, shall shew himself best affected, and do the best service F "to the King and State.

The Duke then made his Address to them in his own behalf.

My

3 Caroli.

The Duke renders an account of his Negotiation in the Low-Countreys.

My Lords and Gentlemen,

"YOu were all witnesses yesterday, how good and gratious a Master I serve; and I shall be likewise glad that you be witnesses how thankful a heart I have.

"And I protest I have a heart as full of zeal to serve my Master, as any man; and it hath been my study to keep a good correspondency betwixt the King and his people: And what ever thought hath been entertained of me, I shall not alien my heart from that intention, but shall adde spurs to my endeavors and actions, to vindicate my self from ill opinion.

"And however I lye under the burthen of the same, it lies in your hands to make me happy, or not; and for my part, I wish my heart and actions were known to you all; then I assure my self, you would resume me to your good opinions.

"When I had with some hazard waited on my Master into *Spain*, it is well known what Testimony I gave of my Religion; and no man that comes to a true and near view of my action, can justly charge me. Let me be excused, if I give accompt of this particular when I should speak of the general; for this goes near my heart, and to dissemble with my Conscience, no ends of Fortunes in the World can make me do it: For if I had any ill inclination, I had such offers made to me in *Spain*, as might have tempted me.

"If I would have been converted my self, I might have had the *Infanta* to put in my Masters Bed; and if my discontent should have risen here, I might have had an Army to have come with me. But I thought the offer foolish, ridiculous, and scornful, in that point of Religion.

"I will now take the boldness to speak a little in the general business; and I call it boldness to speak after one who did so well the other day: But I had rather suffer in my own particulars, then not refresh your Memories with that which is materially needful.

"I shall not need to reflect so far back as to the beginning of those Counsels which engaged my Master into the War, they are well known; onely I will so far touch it, as to say, That the last years preparations were not Voluntary, or out of Wantonness, but out of Necessity.

"My Master had good intelligence that the King of *Spains* eye was malitiously bent this way, which had been pursued accordingly, if the employment of the Low-Countrymen to the Bay of *Todos los Santos* had not diverted it.

"Now for the Counsel which was used for sending out the Fleets, I will refer you to the Relation of the Lord *Conway*, who as well in this as other Resolutions, can tell you, That nothing was carried with single Councils: And for my self, I know that in all those actions no man can stand up against me, to say that I ever did go with single Councils, or made breach of any; but have been an obedient Servant and Minister unto their Resolutions: The proof whereof will appear in a Journal thereof which my Lord *Conway* keeps.

"I confess all Councils were not ever as your selves would, nor have wished they should; if you had known them as my Master did,

"in

An. 1626.

"in whom the former Affairs of State had bred such affections, that the "business being altered, they were not to be trusted with the Change.

"I will now give you an accompt of all my Negotiations, since my "being at *Oxford*, both at home and abroad; and because there it was "charged, that those things were carried with single Counsels, I was "more careful to advise the King to have his Counsel with him in the "Country, being to enter into War with an Active King.

"And for my part I did diligently wait on the Council, left all Re- A "creations, all personal occasions, studying to serve my Master, and to "gain the good opinion of both Houses. The Council of *Woodstock* ge- "nerally advised the going out of the Fleet. And though it were ob- "jected that the Season were not fit, yet the action shewed the contrary, "for they all arived in safety. And for what was also objected, that the "Provision was not good, experience tells you the contrary; for the pre- "parations were all good in quality and proportion.

"And if the Success were not such as any honest man could wish, I B "hope I shall not be blamed, being not there in person, though I made "the greatest suit for it to my Master, that ever I did for any thing: But "his Majesty thought my Service more useful in the Low-Countreys, to "comfort his Sister, and to treat with the Kings of *Denmark*, *Sweden*, "and the States.

"And though the Success (as I said) of the Fleet were not answer- "able to the desires of honest men; yet it had these good effects, first, C "It put our Enemy to great charge in fortifying his Coasts; secondly, "They took so many Ships as caused many of his Merchants to break, "whereby the Army in *Flanders* suffered much; And lastly, They could "carry no Treasure out to pay their Forces in *Flanders*.

"And for Omissions of what more might have been done, I leave "that to its proper place and time, and let every man bear his own "burden.

"From *Oxford* the Council went to *Southampton*, where the States D "Ambassadors did wait often on the King and Council, and a League "Offensive and Defensive betwixt us and them was thought fit to be "resolved on; whereof some Reasons I will express, but not all. First, "They are of our own Religion; secondly, They are our near Neigh- "bors, for situation so useful, as when they are in distress, it is policy "in us to give them relief; therefore the King thought fit to do it in such "manner, as might lay an Obligation on them; which if it had not E "been done, they had been pressed with a long War, and such a Faction "among themselves, as if the King had not joyned, and in a manner ap- "peared their Protector, they had broke among themselves. And in "this the Kings care was not onely of them, but of all Christendom, and "of his own particular.

"For as before he onely assisted them, his Majesties care now used "Arguments to draw them to Contribution; so that they bear the "fourth part of the charge of the War at Sea, according to such Condi- "tions as by the Lord Chamberlain you have heard.

"This League being perfected betwixt the States and us, his Ma- F "jesty by Advice of his Council thought fit to send me to get such a "League with the other Princes as I could: The Rendezvous was in the "Low-Countreys, being in a manner the Centre for repair for *England*, "*France*, and *Germany*; I had Latitude of Commission to make the League "with most advantage I could.

"Now

2 Caroli.

"Now I had discovered from Monsieur B. the French Ambassador "here, that a League Offensive and Defensive would be refused; and "I found the King of *Denmark* shie, and loth to enter into such a League "against the King of *Spain*; and so partly out of Necessity, and partly "out of Reason of State, I was forced to conclude the League in general "Terms, for the restoring of the Liberty of *Germany*, without naming "the King of *Spain*, or the Emperor, that other Princes might come in; "and this to continue till every one had satisfaction, and nothing to be "treated of, debated, or concluded on, but by consent of all parties. It "did appear, that the Charge was so great, that the Kingdom could not "endure it; and therefore I endeavored in the Low-Countreys to lessen "it, and so the Sea charge was helped, and the Land assistance given unto "them, is to cease Six moneths hence, which the Lord *Conway* said was "to end in *September* next.

"Also by this Treaty it is conditioned with the King of *Denmark*, "That when my Master shall by Diversion equal to this Contribution "with his own Subjects, enter into an Action, then this Charge to cease: "Or if the King of *France* may be drawn in, of which there is great hope "(though he hath now made peace in *Italy*) for that the policy of *France* "may not give way unto the greatness of the House of *Austria*, and am- "bition of *Spain*, whose Dominions do grasp him in on every side. "And if the business be well carried, his Engagement to the King of "*Denmark* may draw him in; so there is great possibility of easing our "Charge.

"But all is in the discreet taking of the time; for if not, we may "think the King of *Denmark* will take hold of those fair Conditions "which are each day offered him; and then the Enemies Army will fall "upon the River of *Elve*, and (the Lord *Conway* added) upon *East-Friez-* "*land*, from whence they would make such progress, as (in my poor ex- "perience) would ruine the Low-Countreys.

"And thus I think I have satisfied all of you, or at least given an "account of my Negotiation in the Low-Countreys, with the King of "*Denmark*, *Sweden*, and the rest.

"I should be glad before I end, to say somewhat of my self, but I "shall request your favorable construction, for I have been too long al- "ready; but I fear I shall offend, and therefore I will restrain my self to "generals.

"If in any of these employments, my Errors may be shewed me, I "shall take him for my best friend that will manifest them in particular; I "have bent all my thoughts on nothing but my Masters Honor, the Ser- "vice of the State, and safety of them both. I never had any end of "mine own, and that may be perceived and proved by the expence of "mine own estate. I am ashamed to speak it, and it would become an- "other mans tongue better then mine own.

"My Journey into *Spain*, was all at mine own charge; my Journey "into *France*, was at my Masters charge; my Journey into the Low- "Countreys, was all at mine own charge.

"I am accused by common Fame, to be the cause of the loss of the "Narrow Seas, and the damage there sustained. That I can say, is this, "Since the War begun with *Spain*, I have always had Twelve Ships on "the Coasts, and allowance but for Four, the rest my own care supplied. "And for the Office of Admiral, when I came first to it, I found the "Navy weak, not neglected by my Noble Predecessor (for I cannot speak

An. 1626.

"of him, but with honor; and I shall desire to go to my Grave with the "honor he carried hence) but by the not paying of moneys in time, "there were such defects his care could not prevent; that if the War "had then broken out, there would have been found few Ships, and "those unserviceable. I was first perswaded to take this Office by per- "swasion of Sir *Robert Mansfeld*, and though I objected I was yong, and "unexperienced, yet he said that by my favor with my Master, I might "do more good in procuring payment for that charge. And because I "was yong and unexperienced, I took advice, as I do in all things, and "am not ashamed of it. I desired my Master to grant a Commission as it "were over me. I have found a great Debt, the Ships defective, and "few in number, the yearly charge of Fifty four thousand pounds, which "was brought to Thirty thousand pounds *per annum*; we built every year "two Ships, and when so many were built as were requisite, we brought it "to Two and twenty thousand pounds *per annum*, which comes not to my "hands, but goes into its proper streams, and issues from the Officers to "that purpose deputed.

"Now if any can shew me a Project, how to maintain War against "*Spain*, *Flanders*, and the Turkish Pirates, with less charge, he shall do "a great work and good service: I have had sometimes Twenty, some- "times Thirty Ships, though sometime disastred by Tempest, which dis- "perst the *Hollanders* Ships, and caused them to cut their Masts, and for- "sake their Anchors.

"There are now Twelve Ships victualled for two Moneths; and "though many Reports have been, that they do not do their duty, yet "I have advertised them thereof from time to time, and finde no such "fault in them.

"There are Thirty Ships more at *Plimouth*, victualled for six Moneths, "and Ten more ready, so soon as they may be victualled: I have been "so frugal of making use of the old remain, that there is no need of Am- "munition, or other necessaries.

"Besides all these, there are Twenty Ships to come from the Low- "Countreys; so you have Twelve, Twenty, Thirty, and Ten more, "which I think you have not heard of.

"And therefore if any have blamed me, I do not blame him, but "think he hath done well; but when you know the truth, and when all "this shall appear, I hope I shall stand right in your opinions.

"*Gentlemen*, It is no time to pick quarrels one with another; we "have enemies enough already, and therefore more necessary to be well "united at home.

"Follow not examples, at least not ill examples of *Gondomar* and "*Toujosa*, who would have had my head, when you thought me worthy "of a salute. Now though I confess there may be some Errors, I will "not justifie my self; yet they are not such gross defects, as the World "would make them appear. I desire they may be admitted *Cum Notâ*.

"They are no Errors of Wilfulness, nor of Corruption, nor oppres- "sing of the People, nor Injustice, but the contrary; and then may I "say, for what good done by me, do I suffer?

"And now I might Answer more particulars, but I have been long, "and so will forbear; and will conclude, if your Supply answer not your "Promises and Engagements to my Master, you will make this place "which hath been in Peace when others were in War, the Seat of War "when others are in Peace.

"Now

2 *Caroli.*

"Now *Gentlemen*, You that were Antient Parliament-men when "this Council was firſt given, ſtrive to make good your own Engage- "ment, for the Honor of your King, and your own ſafety. Let Religion, "in which I would be glad to be more watchful and induſtrious then any, "unite your hearts both at home and abroad; and you that are yong men, "may in theſe active times gain honor and reputation, which is almoſt "ſunk, and gain the Antient Glory of your Predeceſſors: And remem- "ber it is for reſtoring to her Inheritance, the moſt virtuous Lady I think "in the World.

"I have nothing more, but to intreat your charitable opinion of me "and my actions.

For the further vindicating of the Duke, the Lord *Conway* ſtood up and ſaid,

The Lord *Conway* vindicates the Duke.

"THat whereas divers jealouſies have been raiſed in the Houſe, that "the Moneys have been expended unuſefully and without Coun- "cil; himſelf who was the onely Secretary, and had the hand in "guiding the buſineſs, could beſt give an accompt of it.

"When King *James* of glorious Memory, at the Requeſt of both "Houſes, had broken both the Treaties, he conſidered how to maintain "the War; for he ſaw that the King of *Spain* was awaked, and that the "*Palatinate* muſt be got by the Sword, and that *Spain* would oppoſe it "with all the power they could; and computing the charges, found the "Subſidies granted too ſhort; for that it could not be done without an "Army of Five and twenty thouſand Foot, and Five thouſand Horſe, "which would amount to Six hundred thouſand pounds for the Armies "yearly, and Three hundred thouſand pounds for the Navy; but finding "all his means ſhort, and as the Proverb is, *Not knowing of what Wood to "make his Arrows to hit the Mark withal*, Count *Mansfield* ſtirred up by his "own judgment came over and made overture, That for Twenty thou- "ſand pounds a moneth he would raiſe an Army of Thirty thouſand men, "and draw in the French King, *Denmark*, *Sweden*, *Venice*, *Savoy*, the "Cantons of the *Switzers* perhaps, and ſome other *German* Princes, and "raiſe a War in *Alſatia*, of great conſequence to make a Diverſion.

"Now about this time the Council of *Auſtria* reſolved to call a Dyet, "and exclude the Count *Palatine*, and put in a Popiſh Elector; and for that "end offered a general Peace in *Germany*, and ſo left not a crevice to look "into for aſſiſtance; but if any of them ſhould did the Count *Palatine*, "he ſhould be out of the Peace.

"The King accepts *Mansfields* offer, conditionally that he draw in "the French King: So *Mansfield* went over into *France*, and the King "by Advice of his Council ſent Ambaſſadors into *France*, *Denmark*, *Ve- "nice*, *Savoy*, and Cantons of the *Switzers*, from whom he received cold "Anſwers; for King *James* had ſtood ſo long on terms of Peace, as they "doubted he would not be brought to enter into War. But Count *Mans- "field* procured the King of *France* to Contract to receive our Troops, "with promiſe to enter into the War, upon condition it might be regu- "lated by the Council of the French King and *England*. This favor to "Count *Mansfield*, That *France* agreed that his Armies ſhould joyn with "the Kings Troops, wrought the Princes of *Germany* to believe, that the "King would enter into a War. Thereupon the Imperialiſts left their

An. 1626.

"Dyet, and ſent *Tilly* to *Friezland*, and to take up the River of *Emden*; which if he had obtained, they would have trampled the Low-Countreys under foot, and would have become Governors of the Sea.

"Upon this the King of *Denmark* ſent to our King, and offered to raiſe an Army of Thirty thouſand men, if our King would allow Thirty thouſand pounds a Moneth, and ſaid, He would admit no time of reſpite; for if *Tilly* had not been preſently met and headed, all had been loſt. Whereupon our King called a Counſel, and appointed Commiſſioners; and from that time all the Warrants for the iſſuing of the Moneys, were all under the Kings own hand to the Council of War, and from them to the Treaſurers; and the Warrants were from the Lords of the Council for the Levying of Men, and for Coats and Conduct-Money. A Liſt whereof is hereunder ſpecified.

Thereupon the Duke asked the Queſtion, Whether any thing was done by ſingle Council.

To which the Lord *Conway* anſwered, "No. For the Treaty of *Denmark*, Project of Count *Mansfield*, Treaties with *France*, and the buſineſs of the Navy, were done all by the King himſelf; and who can ſay it was done by ſingle Council, when King *James* commanded it, whoſe Council every man ought to reverence, eſpecially in matters of War, whereunto that King was not haſty?

The Total of Moneys paid by Warrants of the Treaſurers of the Subſidy Money.

A Liſt of Moneys diſburſed for the War.

IN *Vere* for the Four Regiments of the Low-Countries, from the Thirtieth of *June*, 1624. till the One and twentieth of *July*, 1624.	99878 l. 00 s. 06 d.
For the Navy, from the Thirteenth of *July*, 1624. till the Three and twentieth of *December*.	37530 l. 08 s. 04 d.
For the Office of the Ordinance and Forts in *England*, from the Twentieth of *July*, 1624. till the Fifteenth of *June*, 1625.	47126 l. 05 s. 05 d.
To defray Charges for Forts in *Ireland*, about *October*, 1624.	32295 l. 18 s. 04 d.
For the Service under Count *Mansfield*; for Proviſions of Arms; tranſporting of Soldiers, from the Fourth of *October*, 1624. till the Tenth of *December*, 1624.	61666 l. 13 s. 04 d.
Sum Total	278497 l. 04 s. 11 d.

"*Memorandum*, That over and above the ſeveral Services before ſpecified, and the ſeveral Sums iſſued, and to be iſſued by our Warrants for the ſame, We did long ſince reſolve and order accordingly, that out of the Moneys of the Second and third Subſidies, theſe further Services ſhould be performed, and Moneys iſſued accordingly, *viz.*

"In full of the Supply of all the Forts and Caſtles before-mentioned (Surveyed *per* Sir *Richard Moriſon*, Sir *John Ogle*, Sir *John Kay*, in *September*,

"*September*, 1613.) with all sorts of Munitions according to several "Proportions and Warrants for the same ——— 4973 l. 2 Caroli.

"In full for the Reparations of all the said Forts and Castles accord-"ing to the said Survey ——— 10650 l. 06 s. 08 d.

"But the said Subsidies being not like to afford means to perform "these so necessary Works, We humbly commend the supply of what "shall be wanting for the same unto your Majesties Princely considera-"tion.

Whilest the Commons were inquiring into Publick Grievances, the Lords represented to the King a Grievance to their own Order in this following Petition.

To the Kings most Excellent Majesty.

The Petition of your ever Loyal Subjects, the Lords Spiritual and Temporal now in Parliament Assembled.

In all humility sheweth,

The Lords Petition touching Precedency, chalenged by *Scots* and *Irish* Nobles.

That whereas the Peers and Nobility of this Your Kingdom of England, have heretofore in Civility yelded as to strangers Precedency, according to their several degrees, unto such Nobles of Scotland and Ireland, as being in Titles above them, have resorted hither. Now others of the natural born Subjects of those Kingdoms resident here with their Families, and having their cheif Estates among us, do by reason of some late created Dignities in those Kingdoms of Scotland and Ireland, claim Precedency of the Peers of this Realm, which tends both to the disservice of Your Majesty, and these Realms, and to the great disparagement of the English Nobility, as by these Reasons may appear.

I. It is a nobelty without president, that men should inherit Honors where they possels nothing elle.

II. It is injurious to those Countreys from whence their Titles are derived, that they should have a Vote in Parliament, where they have not a foot of Land.

III. It is a grievance to the Country where they inhabite, that men possessing very large Fortunes and Estates, should by reason of Forreign Titles, be exempted from those Services of Trust and Charge, which through their default become greater pressures upon others who bear the burthen.

IV. It is a shame to Nobility, that Persons dignified with the Titles of Barons, Viscounts, &c. should be obnoxious and exposed to arrest, they being in the view of the Law no more then mere Plebeians.

We therefore humbly beseech your Majesty, That you will be pleased according to the examples of the best Princes and times, upon consideration of these inconvenients represented to Your Majesty, by the nearest Body of Honor to Your Majesty, that some course may be taken, and an order timely settled therein by Your Princely Wisdom, so as the inconvenience to Your Majesty may be prevented, and the prejudice and disparagement of the Peers and Nobility of this Kingdom be removed.

To

An. 1626.

To this Petition the King gave Answer, That he would take order therein.

The Earl of *Bristol* who continued under Restraint, and was debarred Access to his Majesty ever since his return out of *Spain*, had been examined touching his Negotiation there, by a Committee of Lords appointed by the King. Certain Propositions were tendred unto him in order to his Release, and composing of that Affair, concerning which he had written to the Lord *Conway*, and about this time received the ensuing Letter from him.

The Lord *Conway* to the Earl of *Bristol*.

The Lord *Conways* Letter to the Earl of *Bristol*.

My Lord,

I Received a Letter from your Lordship, dated the Fourth of this Moneth, written in Answer to a former Letter which I directed to your Lordship by his Majesties Commandment. This last Letter according to my duty I have shewed unto his Majesty, who hath perused it, and hath commanded me to write back to you again, That he findes himself nothing satisfied therewith. The Question propounded to your Lordship from his Majesty, was plain and clear, Whether you did rather chuse to sit still without being questioned for any Errors past in your Negotiation in Spain, *and enjoy the benefit of the late gratious Pardon granted in Parliament, whereof you may have the benefit: Or whether for the clearing of your Innocency (whereof your self and your friends and followers are so confident) you will be content to wave the advantage of that Pardon, and put your self into a legal way of Examination for the Tryal thereof? His Majesties purpose thereby, is not to prevent you of any favors the Law hath given you; but if your Assurance be such as your words and Letters import, he conceives it stands not with that Publick and resolute Profession of your Integrity to decline your Tryal. His Majesty leaves the choice to your self, and requires from you a direct Answer without circumlocution or bargaining with him for future Favors beforehand; but if you have a desire to make use of that Pardon which cannot be denied you, nor is any way desired to be taken from you, his Majesty expects you should at the least forbear to magnifie your Service, and out of an opinion of your Innocency, cast an aspersion upon his Majesties Justice, in not affording you that present fulness of Liberty and Favor which cannot be drawn from him, but in his good time and according to his good pleasure.*

Thus much I have in Commandment to write to your Lordship, and to require your Answer clearly and plainly by this Messenger sent on purpose for it, and so I remain

Whitehal, 24 *March*, 1625. *Your Lordships humble Servant*

Edw. Conway.

The Earl of *Bristols* Letter to the Lord *Conway*.

My Lord,

I Have received your Letter of the Four and twentieth of March, *the Twenty eighth, and I am infinitely grieved to understand that my former Answer to yours of the Fourth of* March, *hath not satisfied His Majesty, which I will*

2 Caroli.

will endeavor to do by this, to the best of my understanding; and to that end shall answer to the particular points of your present Letter, with the greatest clearness I am able.

First, Whereas you say in your Letter, that the Question propounded to me was plain and clear, viz.

Whether I would chuse to sit still without being questioned for any Errors past in my Negotiation in Spain, and enjoy the benefit of the late gratious Pardon, whereof I may take the benefit? Or whether being contented to wave the advantage of that Pardon, I should put my self into a legal way of Examination for the Tryal thereof? &c.

First, Your Lordship may be pleased to remember, that your last Proposition was, Whether I desired to rest in the Security I was in; which you now express, Whether I will chuse to sit still?

Secondly, Your Proposition was, Whether I would acknowledge the gratious Favor of his Majesty that now is, who had been pleased not to question my actions; when it is best known to your Lordship, That by a Commission of the Lords, I was questioned upon Twenty Articles, divers involving Felony and Treason. Although it be true, That when I had so answered (as I am confident their Lordships would have cleared me) I was so unhappy as their Lordships never met more about that business.

But now your Proposition is, Whether I will now chuse to sit still without being further questioned for Errors past, whereas before it was required I should acknowledge that I had not been questioned at all, which is a different thing? But conferring both your Letters together, and gathering the sense and meaning by making the latter an Explanation of the former, which I could have wished your Lordship would have more clearly explained, I return unto your Lordship this plain and direct Answer.

That understanding by the Security I am in, and sitting still, and not being further questioned, I am restored to the bare Freedom and Liberty of a Subject and Peer (For a man being called in question by his Majesty, if after his Majesty shall be pleased out of his goodness, that he rest quiet and secure, and that he shall not be further questioned, I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his Majesties Grace he is pleased to declare, he shall not be further questioned, but may live in further Security.) So that understanding your Letter in this sort (for no direct Answer can be made, until the sense of the Question be truly stated) I do most humbly acknowledge and accept his Majesties Grace and Favor, and shall not wave any thing that shall come to me by the Pardon of the 21 Jac. Regis, nor by the Pardon of his Majesties Coronation; and am so far from bargaining, as you are pleased to express it for future favor (though I hope my humble and submissive courses of Petitioning his Majesty, neither hath nor shall deserve so hard an expression) that I shall not presume so much as to press for any favor, until my dutiful and loyal Behavior may move his Majesties Royal and Gratious Heart thereunto, but receive with all humbleness this my Freedom and Liberty; the which I shall onely make use of in such sort, as I shall judge may be most agreeable to his Majesties pleasure.

As for the second part of your Letter, wherein you say, That if I desire to make use of that Pardon, his Majesty expects that I should at least forbear to magnifie my Services; or out of an opinion of my own Innocency cast an aspersion upon his Majesties Justice. To this point I answer, That as I hope I shall never erre in that sort of immodesty of valuing my Services, which I

acknowledge

An. 1626.

acknowledge to have been accompanied with infinite weaknesses and disabilities; so I trust it shall not displease, that I make use to mine own comfort, and the honor of my Posterity, of those many Written Testimonies which my late most Blessed Master hath left me, of his gratious Acceptance of my Services for the space of Twenty years. So likewise I hope the modest avowing of mine Innocency will not be thought to cast any aspersion upon his Majesties Honor or Justice. I most freely confess unto your Lordship, I am much afflicted to see Inferences of this nature made, both in your Lordships last Letter, and in this. For if it shall be inferred as a thing reflecting upon the Kings Honor, that a man questioned, shall not endeavor to defend his own Innocency, before he be convict, it will be impossible for any man to be safe; for the Honor of his Majesty is too Sacred a thing for any Subject, how innocent soever, to contest against. So likewise, God forbid that it should be brought into Consequences, (as in your former Letter) as a Tax upon the Government and Justice of his late Majesty, and Majesty that now is, that I should have suffered so long time, not being guilty. For as I never have been heard so much as to repine of Injustice in their Majesties in all my sufferings, so I well know, That the long continuance of my troubles may well be attributed unto other Causes; as to my own Errors of Passion, or other Accidents: For your Lordship may well remember, That my Affairs were almost two years since upon the point of a happy Accommodation, had it not been interrupted by the unfortunate mistaking of the Speeches I used to Mr. Clark.

I shall conclude by entreating your Lordships favor, That I may understand from you, as I hope for my comfort, that this Letter hath given his Majesty satisfaction; or if there should yet remain any scruple, That I may have a clear and plain signification of the Kings pleasure, which I shall obey with all Humility.

Your Lordships humble Servant,

BRISTOL.

The Earl of *Bristol* petitions the House of Lords.

The Earl of *Bristol* petitions the House of Lords, shewing, That he being a Peer of this Realm, had not received a Summons to Parliament, and desires their Lordships to mediate with his Majesty, that he may enjoy the Liberty of a Subject, and the Priviledge of his Peerage, after almost two years restraint, without being brought to a Tryal. And if any Charge be brought in against him, he prayeth that he may be tryed by Parliament.

The Petition referred to the Committee of Priviledges.

The business is referred to the Committee of Priviledges, and the Earl of *Hartford* reported from that Committee, That it is necessary that their Lordships humbly beseech his Majesty, that a Writ of Summons may be sent to the Earl of *Bristol*; as also to such other Lords whose Writs are stopped, except such as are made uncapable to sit in Parliament, by Judgment of Parliament, or some other Legal Judgment.

Hereupon the Duke signified to the House, That upon the Earl of *Bristols* Petition to the King, His Majesty had sent him his Writ of Summons: And withal, he shewed to the Lords the Copy of a Letter written from the King unto the said Earl, being as followeth.

We

3 Caroli.

The Kings Letter to the Earl of *Briſtol.*

WE have received your Letter addreſſed unto us by Buckingham, *and cannot but wonder, that you ſhould through forgetfulneſs make requeſt to us of favour, as if you ſtood evenly capable of it, when you know what your behaviour in* Spain *deſerved of us, which you are to examine by the obſervations we made, and know you well remember; how at our firſt coming into* Spain, *taking upon you to be ſo wiſe as to foreſee our intention to change our Religion, you were ſo far from diſſwading us, that you offered your advice and ſecreſie to ſecure us in it; and in many other Conferences preſſing to ſhew how convenient it was to be a Roman Catholick; it being impoſſible in your opinion to do any great action otherwiſe: And how much wrong, diſadvantage, and diſſervice you did to the Treaty, and to the Right and Intereſt of our dear Brother and Siſter, and their Children; what diſadvantage, inconvenience and hazard you intangled us in by your Artifices, putting off and delaying our return home; the great eſtimation you made of that State, and the low price you ſet this Kingdom at, ſtill maintaining, that we under colour of friendſhip to* Spain, *did what was in our power againſt them, which you ſaid they very well knew: And laſt of all, your approving of thoſe Conditions, that our Nephew ſhould be brought up in the Emperors Court; to which Sir* Walter Aſhton *then ſaid, that he durſt not give his conſent, for fear of his head; you replying unto him, that without ſome ſuch great Action, neither Marriage nor Peace could be had.*

Upon the receipt of the Writ, *Briſtol* again Petitions the Houſe of Lords, and annexes to his Petition the Lord Keepers Letter, and his own Anſwer thereto, and deſires to be heard in accuſation of the Duke.

The humble Petition of *John* Earl of *Briſtol.*

Humbly ſhewing unto your Lordſhips,

The Earl of *Briſtol* Petitions the Lords upon receipt of his Writ.

THat he hath lately received his Writ of Parliament, for which he returneth unto your Lordſhips moſt humble thanks, but joyntly with it a Letter from my Lord Keeper, commanding him in his Majeſties name to forbear his perſonal attendance; and although he ſhall ever obey the leaſt intimation of his Majeſties pleaſure, yet he moſt humbly offereth unto your Lordſhips wiſe conſiderations, as too high a point for him, how far this may trench upon the Liberty and Safety of the Peers, and the Authority of their Letters Patents, to be in this ſort diſcharged by a Letter miſsive of any Subject without the Kings hand: And for your Lordſhips due information, he hath annexed a Copy of the ſaid Lord Keepers Letter, and his Anſwer thereunto.

He further humbly Petitioneth your Lordſhips, That having been for the ſpace of two years highly wronged in point of his Liberty, and of his Honor, by many ſiniſter aſperſions which have been caſt upon him, without being permitted to anſwer for himſelf; which hath been done by the power and induſtry of the Duke of Buckingham, to keep him from the preſence of his Majeſty and the Parliament, leſt he ſhould diſcover many crimes concerning the ſaid Duke.

He therefore moſt humbly beſeecheth, That he may be heard both in

An. 1626. the point of his Wrongs and of his Accusation of the said Duke: wherein he will make it appear how infinitely the said Duke hath both abused their Majesties, the State, and both the Houses of Parliament. And this he is most confident will not be denied, since the Court of Parliament never refuseth to hear the poorest Subject seeking for redress of Wrongs, nor the Accusation against any, be he never so powerfull: And herein he beseecheth your Lordships to mediate to his Majesty for the Suppliants coming to the House in such sort as you shall think fitting; assuring his Majesty, That all he shall say shall not onely tend to the Service of his Majesty and the State, but highly to the Honor of his Majesties Royal Person, and of his Princely vertues: And your Suppliant shall ever pray for your Lordships prosperity.

The Lord Keeper to the Earl of *Bristol*, *March* 31. 1626.

My very good Lord,

BY his Majesties commandment I herewith send unto your Lordship your Writ of summons for the Parliament; but withal signifie his Majesties pleasure herein further, that howsoever he gives way to the awarding of the Writ; yet his meaning is thereby, not to discharge any former directions for restraint of your Lordships coming hither, but that you continue under the same restriction as you did before; so as your Lordships personal attendance is to be forborn, and therein I doubt not but your Lordship will readily give his Majesty satisfaction; And so I commend my service very heartily unto your Lordship, and remain

Your Lordships assured Friend and Servant,

Dorset-Court, March 31. 1626.

THO. COVENTRY, *C. S.*

His Answer to the Lord Keeper.

May it please your Lordship,

I Have received your Lordships Letter of the 31 of March, and with it his Majesties Writ of Summons for the Parliament: In the one his Majesty commandeth me, that all excuses set aside, upon my Faith and Allegiance I fail not to come to attend his Majesty: And this under the Great Seal of England. *In the other, as in a Letter missive, his Majesties pleasure is intimated by your Lordship, that my personal attendance should be forborn; I must crave leave ingenuously to confess unto your Lordship, that I want judgement rightly to direct my self in this Case, as likewise that I am ignorant how far this may trench upon the Priviledges of the Peers of this Land, and upon mine and their safety hereafter: For if the Writ be not obeyed, the Law calleth it a Misprision, and highly sineable, whereof we have had late examples; and a missive Letter being avowed or not, is to be doubted would not be adjudged a sufficient discharge against the Great-Seal of* England: *On the other*

2 Caroli.

other ſide, if the Letter be not obeyed, a Peer may De facto *be committed upon a Contempt, in the interim, and the Queſtion cleared, afterwards; ſo that in this caſe it is above mine abilities. I can onely anſwer your Lordſhip, that I will moſt exactly obey; and to the end I may underſtand which obedience will be in all kindes moſt ſuitable to my duty, I will preſently repair to my private Lodging at* London, *and there remain, until in this and other Cauſes I ſhall have petitioned his Majeſty, and underſtand his further pleaſure. For the ſecond part of your Lordſhips Letter, where your Lordſhip ſaith,* That his Majeſties meaning is not thereby to diſcharge any former directions for reſtraint of your Lordſhips coming hither, but that you continue under the ſame reſtriction as before, ſo that your Lordſhips perſonal attendance here is to be forborne: *I conceive your Lordſhip intendeth this touching my coming to Parliament onely; for as touching my comming to* London, *I never had at any time one word of prohibition, or colourable pretence of reſtraint; but on the contrary, having his late Majeſties expreſs leave to come to* London *to follow my affairs, out of my reſpect to his Majeſty then Prince, and to the Duke of* Buckingham, *I forbore to come until I might know whether my coming would not be diſagreeable unto them; whereunto his Majeſty was pleaſed to anſwer both under the hand of the Duke, and of Mr Secretary* Conway, *That he took my reſpect unto him herein in very good part, and would wiſh me to make uſe of the leave the King had given me: ſince which time I never received any Letter or Meſſage of reſtraint; onely his Majeſty by his Letter bearing date* June *the laſt, commandeth me to remain as I was in the time of the King his Father, which was with liberty to come to* London *to follow mine own affairs as I pleaſed, as will appear unto your Lordſhip, if you will afford me ſo much favor as to peruſe them. I have writ this much unto your Lordſhip, becauſe I would not through miſunderſtanding fall into diſpleaſure by my coming up, and to intreat your Lordſhip to inform his Majeſty thereof: And that my Lord* Conway, *by whoſe Warrant I was onely reſtrained in the late Kings time of famous memory, may produce any one word, that may have ſo much as any colourable pretence of debarring my coming up to* London. *I beſeech your Lordſhip to pardon my deſire to have things clearly underſtood, for the want of that formerly hath cauſed all my troubles; and when any thing is miſinformed concerning me, I have little or no means to clear it; ſo that my chief labor is to avoid miſunderſtanding. I ſhall conclude with beſeeching your Lordſhip to do me this favor, to let his Majeſty underſtand that my coming up is onely rightly to underſtand his pleaſure, whereunto I ſhall in all things moſt dutifully and humbly conform my ſelf: And ſo with my humble ſervice to your Lordſhip, I recommend you to Gods holy protection, and remain,*

Your Lordſhips moſt humble Servant.

Sherborn, April 12. 1626.

BRISTOL.

Hereupon the Lord Keeper delivered this Meſſage from the King to the Houſe of Lords.

A Meſſage from the King to the Houſe of Lords.

"THat his Majeſty hath heard of a Petition preferred unto this Houſe "by the Earl of *Briſtol*, ſo void of duty and reſpects to his Majeſty, "that he hath great cauſe to puniſh him. That he hath alſo heard with "what duty and reſpectfulneſs to his Majeſty their Lordſhips have pro"ceeded therein, which his Majeſty conceiveth to have been upon the

An. 1626.

"knowledge they have, that he hath been reſtrained for matters of State; "and his Majeſty doth therefore give their Lordſhips thanks for the "ſame, and is reſolved to put the Cauſe upon the honor and juſtice of "their Lordſhips and this Houſe. And therefore his Majeſty command- "ed him (the Lord Keeper) to ſignifie to their Lordſhips his Royal "pleaſure, That the Earl of *Briſtol* be ſent for as a Delinquent to anſwer "in this Houſe his Offences, committed in his Negotiations before his "Majeſties being in *Spain*, and his Offences ſince his Majeſties coming "from *Spain*, and his ſcandalizing the Duke of *Buckingham* immediate- "ly, and his Majeſty by reflection, with whoſe privity and by whoſe "directions the Duke did guide his Actions, and without which he did "nothing. All which his Majeſty will cauſe to be charged againſt him "before their Lordſhips in this Houſe.

The Lords appointed a Committee to attend the King, and to preſent their humble thanks to his Majeſty for the truſt and confidence he had placed in the honor and juſtice of their Houſe.

The Marſhal of *Middleſex*'s Petition touching Prieſts.

About this time the Marſhal of *Middleſex* petitioned to the Committee of the Houſe of Commons, touching his reſiſtance in ſeiſing of Prieſts goods.

A Warrant was made by Mr Attorney General to *John Tendring* Marſhal of *Middleſex*, and other therein named, to ſearch the Priſon of the *Clink*, and to ſeiſe all Popiſh and Superſtitious matters there found.

A Letter alſo was directed to Sir *George Paul* a Juſtice of Peace in *Surrey*, to pray him to take ſome care and pains to expedite that ſervice. On *Good Friday*, *April* 7. Sir *George Paul* was ready by ſix a clock in the morning, five or ſix Conſtables being charged, and about an hundred perſons to aid and aſſiſt them. The Marſhal being attended with the perſons named in the Warrant, and divers others of his own ſervants, and the Aid being provided by Sir *George Paul*, came to the *Clink*, and finding a door open without any Porter or Door-keeper at all, entred without reſiſtance at the firſt appearing: But immediately upon diſcovery of his purpoſe, the Concourſe of people without, and his unexpected entrance giving occaſion thereto, the Porter ſteps up, ſhuts the door, and keeps the Marſhal and ſome few that entred together with him, within, and his Aid without, reſiſting them that would enter, their Warrant being ſhewed notwithſtanding, until by force another door was broken open, by which the other perſons named in the Warrant, the Marſhals men with the Conſtables, and others appointed for their aſſiſtance with Halberts did enter alſo, leaving ſufficient company without to guard the three ſeveral doors belonging to the Houſe.

Being within, the Marſhal gave direction to his followers to diſperſe themſelves into ſeveral parts of the Houſe, to the end, that whileſt he did ſearch in one part, the other parts and places might be ſafely guarded, and ſo he proceeded in his ſearch; in the proſecution whereof he found four ſeveral Prieſts in the houſe; *viz. Preſton*, *Cannon*, *Warrington*, *Prator*. *Preſton* was committed to the *Clink* about 16 years ſince, and diſcharged of his impriſonment about 7 years ago, yet remained there in the Priſon ſtill, attended with two women ſervants, and one man ſervant, who, as it was ſuſpected, had continued with him ever ſince the Gunpowder Treaſon, 1605.

The

2 Caroli.

The keeping there by himself apart from the Keeper of the Prison, and had for his Lodging three or four several Chambers, part of the Bishop of *Winchesters* House, into which there was a passage made through the Prison yard, no other entrance in or out of the same being discovered; and he affirmed, That he had a Warrant or Licence from the Lord Arch-Bishop of *Canterbury* for his residence there, with liberty freely for himself and all Company that would resort to him thither.

A There was found in his Chamber five or six Cart-loads of Books set up with Shelves, as in a Library or Book-sellers shop, supposed to be worth Two thousand pounds at least; besides which, it was affirmed by the Keeper of the Prison, that he had a far greater Library abroad; for which the Keepers Examination was taken before Sir *Edm. Bower* and Sir *George Paul* Knights, Justices of *Surrey*; wherein it was said, that *Preston* is either licenced, warranted, or protected by the Bishop of *Canterbury*, *Durham* or *Winchester*, to that effect. There were also found two Altars B ready furnished for Masse, one more publick in an upper Chamber, the other more private in a Study; many rich Copes, Surplices, Wax-candles, Crosses, Crucifixes very rich, Beads, Jewels, Chains, Chalices of Silver and of Gold, five or six Bags of money which were not opened, and loose money to the quantity of 100 *l.* lay thrown up and down in his Desk; abundance of Manuscripts, and a Packet of Letters bound up together with a thread.

In *Cannon's* Chamber was found an Altar ready furnished with many C Plates, Jewels, Church-stuff, and many rich Pictures, divers Letters and Manuscripts, Wax-candles, and other such Popish materials; a great deal of his Chamber being shelved about, and full of Books; in one of his Studies also there were Books set in order upon shelves, as in *Preston's* Chamber, to a great value, and a private Altar furnished for Mass, his Hallowed bread ready fitted, and his Holy water, which *Cannon* himself cast out into the chimney. In another Study of *Cannon's* were found D great store of curious Tools and Engines to work withal, three Swords or Rapiers, one Pistol and a Fowling-peece: Amongst other things were found Pictures of Queen *Elizabeth*, King *James*, Queen *Anne*, and King *Charls*; the taking whereof, being set apart with other stuff to be removed, did exceedingly move the Priest to impatience. Of whom also it is to be noted, that he had in his custody all the Keepers Warrants for Commitment of his Prisoners, which were found in his Chamber, together with some store of Plate, which he said was by him kept for the E Keepers wife.

In *Warrington's* Chamber were found Books, Beads, Boxes of Oil for Extreme Unction, and such like trash; but the wall thereof was broken down into another house adjoining to the Prison, through which it is conceived that all the rest of *Warrington's* Provision was conveyed away, in the interim of the search made in the two former Chambers.

The fourth Priest named *Prator*, was first committed to *Glocester*-Goal, being suspected to be the Archbishop of those parts, and lay there till F *Lent*-Assizes last drew on; but for fear of the severity of the Laws (as *Davison* and the Keeper did affirm) a Warrant was procured by the Papists for his remove from *Glocester* to the *Clink*, where he was found a Prisoner. It was informed by the Keeper, that this *Prator* brought up from *Glocester* a Gentlewoman who lies in a Chamber next adjoining to his Lodging, and that he paid Two shillings six pence a week for her Chamber, and maintained a Maid-servant to attend her: It is supposed that this Prison

is

An. 1626.

is her protection from the lawful proceedings that might be had againſt her in the Country for Recuſancie.

In the Porters Chamber were found ſeven or eight Popiſh Books.

In the Keepers Lodging was found a Cloſet or Study, wherein ſtore of Writings, Letters, and long Catalogues of Books were found, with their ſeveral prices, one rich Picture or Crucifix, a Picture of *Mary Magdalen*, of which two the Keeper affirmed, that one of them coſt thirty pounds, and alſo many other rich Pictures, amongſt which one was a Picture of an old Prieſt named *Collington*, of whom *Cannon* affirmed in ſcoffing manner, that that mans beard had done King *James* more hurt then an Army of ten thouſand men could have done. *Preſtons* ſervants being one man, two maids, the Gentlewoman that came from *Glouceſter*, and her ſervant, and the Keeper himſelf, and *Robert Daviſon* his man, were all examined before the ſaid Juſtices. During the Marſhals tarrying in the *Clink*, it was obſerved, that both *Preſton* and *Cannon* uſed all the means they could to have notice of the matter then in hand given to the Lord of *Canterbury*, and were very penſive until they perceived he had notice of it. Whereupon they expreſſed much joy, being aſſured, as they ſaid, that then there ſhould be nothing removed out of the houſe. And it came to paſs accordingly: For whileſt the Marſhal and his ſervants were in the ſearch of the third Chamber, and had locked up divers other Chambers; wherein as it was informed there was ſtore of Wealth, Church-ſtuffe, Books, and other matters, which would have been found if the ſearch had been proſecuted; A counteſmand was brought from the Archbiſhop, and Maſter Attorney, whereby the proceeding of that buſineſs was ſtaid, and the Marſhal was forbidden to remove or take away any thing ſo much as a paper.

The Keeper and his wife, and the Prieſts did grievouſly threaten the Marſhal, and all his Aſſiſtants with very high tearms, eſpecially with Arreſts and Impriſonments for their attempt in this ſervice; one of them ſaying, that they ſhould be impriſoned, as once one *Harriſon* a Meſſenger, who for performing the like ſervice in the *Clink*, was committed to the *Marſhalſey*, and kept there three years, until in the end he was diſcharged by an Order in the Parliament, as is credibly reported. Furthermore it is alſo humbly informed by the ſaid Marſhal, That upon the twenty ſecond of *March* laſt by a like Warrant from the Lord *Conway*, he did ſearch the Biſhops Priſon, called the New Priſon in *Maiden*-lane in *London*, where he found ſix ſeveral Prieſts Priſoners in ſeveral Chambers, an Altar with all Furniture thereto belonging; with Church-Books and ſtuff, which were as much as three Porters could carry away, and it is now in the hands of the Lord *Conway*; of which ſervice if this Honourable Houſe will call for a more particular Accompt, the Marſhal is ready to give further ſatisfaction.

He humbly prayeth the Honourable favour of this Houſe for his encouragement and further abilities to the like ſervices.

Arch-

2 *Caroli.*

Archbishop of *Canterbury*'s Letter in behalf of the Priests in the *Clink*, directed to Master Attorney-General.

Good Mr. Attorney,

I *Thank you for acquainting me what was done yesterday at the* Clink: *But I am of opinion, that if you had curiously enquired upon the Gentleman who gave the Information, you should have found him to be a Disciple of the Jesuites; for they do nothing but put tricks on these poor men, who do live more miserable lives then if they were in the Inquisition in many parts beyond the Seas. By taking the Oath of Allegiance, and writing in defence of it, and opening some points of high consequence, they have so displeased the Pope, that if by any cunning they could catch them, they are sure to be burnt or strangled for it. And once there was a plot to have taken* Preston *as he passed the* Thames, *and to have shipt him into a bigger Vessel, and so to have transported him into* Flanders, *there to have made a Martyr of him. In respect of these things, King* James *always gave his protection to* Preston *and* Warrington, *as may be easily shewed.* Cannon *is an old man well affected to the Cause, but meddleth not with any Factions or Seditions, as far as I can learn. They complain their Books were taken from them, and a Crucifix of Gold, with some other things, which I hope are not carried out of the house, but may be restored again unto them; For it is in vain to think that Priests will be without their Beads, or Pictures, Models of their Saints, and it is not improbable that before a Crucifix they do often say their prayers.*

I leave the things to your best consideration, and hope that this Deed of yours, together with my Word, will restrain them for giving offence hereafter, if so be that lately they did give any. I heartily commend me unto you, and so rest

Your very loving Friend,

G. Canterbury.

By this time the Commons had prepared an Humble Remonstrance to the King, in Answer to his Majestie's and the Lord Keeper's Speech.

The *Commons* Remonstrance to the King in Answer to his Majesties, and the Lord Keepers Speech.

Most Gracious Soveraign,

Whereas your Majesty hath been pleased of late at sundry times, and by several means to impart unto us your Royal pleasure touching some passages and proceedings in this present Parliament; We do with unspeakable joy and comfort acknowledge your Majesties grace and favor in that it hath pleased you to cause it to be delivered unto us by the Lord Keeper of your Great Seal in your own Royal presence, and before both Houses of Parliament. That neither any thing more tending to the people, nor better answering to the right use of Parliaments, might proceed from your most gracious resolution to hear and redress our just Grievances. And with like com-

fort

An. 1626.

for we acknowledge your Majesties goodness shining at the very entrance of your glorious Reign, in commanding the Execution of the Laws established to preserve the true Religion of Almighty God, in whose service consisted the happiness of all Kings and Kingdoms.

Yet let it not displease your Majesty, that we also express some sense of just Grief intermixed with that great Joy, to see the careful proceedings of our sincere Intentions so misreported, as to have wrought effects unexpected, and we hope undeserved.

First, touching the Charge against us in the matter concerning Mr. Cook, We all sincerely protest, That neither the words mentioned in your Majesties Message, nor any other of seditious ense were spoken by him, as hath been resolved by the House without one Negative voice. Howsoever, in a Speech occasionally uttered, he let fall some few words which might admit an ill construction; whereat the House being displeased at the delivery of them, as was expressed by a general and instant Check, he forthwith so explained himself and his intention, that for the present we had forbear to take them into consideration, which since we have done: And the effect thereof had before this appeared, if by important business of your Majesties service we had not been interrupted.

The like interruption did also befall us in the Case of Doctor Turner, wherein the Question being formerly stated, a Resolution was desired to have been taken that very day, on which we received your Majesties command to attend you.

As for our own proceedings, We humbly beseech your Majesty to be truly informed, That before that Diversion from Doctor Turner, (out of our great and necessary care for your honor and welfare of your Realms) We had taken into serious Consideration the Evils which were about your people, and the Causes of them, that we might apply our selves unto the fittest remedies: In the pursuit whereof our Committees (whatsoever they might have done) have in no particular proceeded otherwise, then either upon ground of knowledge in themselves, or proof by examination of Witnesses, or other Evidence. In which course of Service for the publick good, as we have not swerved from the Parliamentary ways of our Predecessors, so we conceive that the discovery and reforming of Errors is so far from laying an aspersion upon the present Time and Government, that it is rather a great honor and happiness to both, yielding matter to great Princes wherein to exercise and illustrate their noblest vertues.

And although the grievous Complaints of the Merchants from all parts, together with the Common voice of the Subjects well-affected to those who profess our Religion, gave us occasion to debate those Businesses that were partly Foreign, and had relation to affairs of State, yet we presume your Majesty is well assured, if it was exceeding far from our intention either to introduce our Counsels, or disadvow your Prerogative, [illegible] of great and potent Princes [illegible] Parliament have been alledged, yet was it without parallel your Majesties Government, or Counsels to any Times, so [illegible] to Times of Ex-

Touching

The Commons Remonstrance to the King in Answer to his Majesties, and the Lord Keepers Speech.

Touching the Letter of your Majesties Secretary, it was first alleaged by your Advocate for his own Justification, and after by direction of the Committie produced to make good his Allegation. 2 *Caroli.*

And for the search at the Signet Office, the Copy of a Letter being divulged as in your Majesties Name, with pregnant cause of suspition, both in the Body and Direction thereof to be suppositious, the Committee out of desire to be cleared therein, did by their Order send some of themselves to the Signet Office, to search whither there were any Records of Letters of that nature, without Warrant to the Officer for any, much less for a general search.

But touching Publick Records, we have not forborn as often as our businesses have required, to make search into them, wherein we have done nothing unwarranted by the Laws of your Realm, and the constant usage of Parliaments. And if for the ease of their Labors, any of our Committees have desired the help of the Officers, Repertories, or Brebiats of Direction, We conceive it is no more then any Subject in his own affairs might have obtained for ordinary Fees.

Now concerning Your Majesties Servants, and namely, the Duke of Buckingham, We humbly beseech Your Majesty to be informed by us your Faithful Commons, who can have no private end but your Majesties Service, and the good of our Country, That it hath been the antient, constant, and undoubted Right and Usage of Parliaments, to question and complain of all persons of what degree soever, found grievous to the Commonwealth, in abusing the power and trust committed to them by their Soveraign. A course approved not onely by the examples in your Fathers days of famous memory, but by frequent presidents in the best, and most glorious Reigns of your Noble Progenitors, appearing both in Records and Histories; without which liberty in Parliament, no private man, no Servant to a King, perhaps no Counsellor, without exposing himself to the hazard of great enmity and prejudice, can be a means to call great Officers into question for their misdemeanors, but the Commonwealth might languish under their pressures without Redress: And whatsoever we shall do accordingly in this Parliament, we doubt not but it shall redound to the honor of the Crown, and welfare of your Subjects.

Lastly, We most humbly beseech Your Majesty graciously to conceive, that though it hath been the long Custom of Parliaments to handle the matter of Supply with the last of their businesses, yet at this time out of extraordinary respect to your Person, and care of your Affairs, We have taken the same into more speedy consideration, and most happily on the very day of your Majesties Inauguration, with great alacrity and unanimous consent: After a short Debate, we grew to the Resolution for a present Supply well-known to your Majesty.

To which, if Addition may be made of other great things for your Service, yet in Consultation amongst us, we doubt not but it will appear, That we have not receded from the Truth of our first Intention, so to supply you as may make you safe at home, and feared abroad, especially if your Majesty shall be pleased to look upon the way intended in our promise, as well as to the measure of the gift agreed.

An. 1626.

With like humility we beseech your Majesty not to give ear to the officious reports of private persons for their own ends, which hath occasioned so much loss of time, nor to judge our proceedings while they are in agitation, but to be pleased to expect the time and conclusion of our labors, which we are confident will manifest and justifie to your Majesty the integrity and Loyalty of our hearts, who shall ever place in a high degree of happiness the performing of that duty and service in Parliament, which may most tend to your Majesties Honor and the good of your Kingdom. A

The House adjourned for a week.

Unto this Remonstrance the King said, He could give no present answer, but desired the House to adjourn for a week as the Lords had done; and they adjourned accordingly.

Private advice given to the Duke.

In the interim it was intimated in Writing to the Duke, that he should procure his Majesty to signifie to a certain number of Lords, that he hath endeavored to divert the Charge against the Duke, because his Majesty hath had found knowledge and experience of his service and fidelity. B

That his Majesty may let them know, that he is now pleased to reveal some secrets and mysteries of State. That the King his Father finding the Palatinate more then in danger to be lost, and his Majesty being in *Spain*, and there deluded, and his abode and return both unsafe, it was a necessity of State to sweeten and content the *Spaniard* with the hope of any thing which might satisfie and redeem those Engagements. And that therefore the King willed the Duke to yield discreetly to what he should find they most desired, and this was chiefly the point of Religion; So as in this, and all of the like kind, the Duke upon his Majesties knowledge was commanded, and but the Instrument trusted by the King in this Exigent, or if you will say, Extremity. C

Upon the same ground, though not in so high a degree, the sending of the Ships to *Rochel* may be excused. Touching the vast Creation of Nobility, his Majesty may declare that his Father who was born a King, and had long experience of that Regiment, found that this State inclined much to popularity; and therefore thought fit to enlarge the number of his Nobles, that these being dispersed into several Counties, might shine as Lamps of Soveraignty in protecting their own degrees, and at their own charge inure the people with respect and obedience to greatness. And the King may protest that this was a child of his Fathers best Judgment, and the Duke the Instrument thereof. D And if you say, there was money many times given for these Honors; nay, if you say, that money hath been given for places of Clergy and Judicature, take this of me, it is so in all other Countreys, as in *France* and *Spain*, &c. though I am not satisfied in this opinion. And if it be said, the King should have had the money which the Duke took to his own use, I believe this last (may the King say) is more then any man can prove; Neither will I deliver what I know therein, onely this I will say, I know the Dukes particular service, and affection towards me, and that he and his will lay down themselves and all they have at my feet. E

Is it for a King to use his Servant and Instrument as he doth his Horses, and being by hard riding in his service foundred and lame, to turn them out to Grass or to the Cart? I must therefore (may the King say) in right of the King, my Fathers Honor, protect a man (though justly seeming guilty, yet) in my own knowledge innocent: Will you therefore F

2 *Caroli.*

fore deny the King to favor whom he pleaſeth, which the King never denied to you that are his Subjects? Well, commend me to my Lords, and tell them that if any thing hath been formerly done amiſs by others, I have power and will to redreſs it, and to prevent the like.'

The Biſhops commanded to attend the King.

A At this time the King commanded all the Biſhops to attend him, and when they were come before him, being fourteen in number, he reprehended them, that in this time of Parliament they had not made known unto him what might be profitable for the Church, whoſe cauſe he was ready to promote. And he laid this Charge upon them, that in the Cauſe of *Briſtol* and *Buckingham*, their Conſciences being their Guides, they ſhould follow onely proofs, and not rumors.

B The Commons ſent again to the Duke by Sir *John Epſley*, to let him know that they were paſſing Articles againſt him, and that they had given the Meſſengers leave to take Notes thereof out of the Clerks Book, whereof he might take a Copy if he pleaſed; and that they expected his Anſwer that day before ten of the Clock, if he pleaſed to ſend any.

This the Duke ſignified to the Lords, who did not think fit that he ſhould anſwer, as appears by the enſuing Report made by Sir *John Epſley*.

The Dukes anſwer to a Meſſage from the Commons reported.

C "This day his Grace gave us this Anſwer, (after he had moved the "Lords) that he ſhould with great care make all due acknowledgment of "your reſpect and favors in giving him this notice, which though it do "invite him to render unto you ſuch a ſatisfaction that he hopes may ac-"quit and reſtore him to your good opinion, and might prevent your "proceedings, which otherwiſe by a Parliamentary courſe are like to fol-"low; Yet according to his duty, having moved the Lords of the Up-"per Houſe, upon your notice given him, they would by no means, as
D "things now ſtand, give him leave to anſwer, in regard he is not igno-"rant you are preſently to enter into conſideration of his Majeſties Meſ-"ſage; and that by a delay therein your own purpoſes will be in ſome "ſort diſappointed, and the affairs of Chriſtendome much prejudiced; "but for that upon a reſolution you have deferred and reſpited that ſer-"vice until thoſe things depending againſt him be firſt determined, he "out of fear that his neceſſary defence would ſpin out a great deal of "time, which is more precious, is the willinger to obey their Lordſhips,
E "that ſo he might haſten without obſtacle or interruption given unto "him, to keep day with his Majeſty; And this he doth as he conceives "to his own infinite prejudice, knowing how grievous it is to be tranſ-"mitted as a Grievance by the voice of this Houſe: But he doth profeſs "he will rather hazard the ſafety of his Fortunes, Reputation, and him-"ſelf, then to be the leaſt occaſion of any that may work diſaffection or "miſ-underſtanding between the King and his People. And it is his "Proteſtation, that whatſoever interruption is made by his actions, his
F "endeavors ſhall be as long as he hath any favor with his gracious Ma-"ſter, to take opportunity of doing good offices to this Houſe, and of "rendring all that he can be able for the ſafety of the State, and the ge-"neral good of the Common-wealth. And this he ſaith you may the "eaſier beleeve, becauſe his Majeſty can witneſs, that he hazarded in his "Fathers time the loſs of the beſt affection of the beſt of Maſters to obtain

An. 1626.

"for them their desire. In this zeal he was desirous to have appeared "unto you ever since the beginning of this Parliament, and in this zeal he "doth now present himself unto you. But to return to the main point, he, "lest we should be mistaken, gave us occasion in plain words to remember "you, that it is not he that doth refuse to answer, but the Lords com- "manded him not to answer, which he the cheerfullier obeyed, in respect "of his fidelity to prefer the Universal Weal before his own particular. "And in the mean time he desireth the charitable opinion of this Noble A "House, until he be convinced that he shall appear not worthy of it, "which his own innocency maketh him confident that he shall not.

Whilst the Duke stood ready to be impeacht, his Grace propounded to the Lords of the Council to have it moved to the King, that in regard of the important services by Sea, the usual pay to the Sailers might be raised from Fourteen to Twenty shillings a Moneth, which was as much as they ordinarily received for Merchants wages: The King B being therein moved, was consenting. Nevertheless multitudes of the pressed Mariners ran away, leaving his Majesties Ships unfurnished, and his Service disappointed.

There was a great Debate in the House of Commons, Whether the Committee of Twelve (where Mr. *Glanvile* had the Chair) shall consider of any new matter not heretofore propounded in the House against the Duke? And it was resolved in the Affirmative. C

Glanviles report from the Committee.

Mr. *Glanvile* reports from the Committee the Examination concerning a Plaister and a Posset applied and given to King *James* in his sickness, when the Kings sworne Physicians had agreed upon other Directions. Hereupon it was resolved, That this should be annexed to the Charge against the Duke, as a transcendent Presumption of dangerous consequence.

Hereupon his Majesty sent this Message to the Commons. D

The Kings Message touching new matter against the Duke.

"THat he having given way to Enquiry about the Duke of *Buckingham*, and hearing that there is new matter intended to be brought "against him, nevertheless leaveth the House to their own way to pre- "sent the business to him, or to the Lords; withal adviseth them to con- "sider of the season of the year, and to avoid all loss of time.

It was Ordered, That thanks should be returned to his Majesty for this Message. E

The Earl of *Bristol* brought to the bar of the Lords House.

On Monday the First of *May*, the Gentleman-Usher brought the Earl of *Bristol* to the Bar, according to their Lordships Order; and the Lord Keeper acquainted him, That the King had commanded his Attorney General to charge the Earl of *Bristol* before their Lordships with High Treason, and other Offences and Misdemeanors of a very high nature, that they might proceed in a Legal course against him, according to the Justice and usual proceedings of Parliament. F

I. *Offences*

2 *Caroli.*

I. *Offences done and committed by the Earl of* Briſtol, *before His Majeſties going into* Spain, *when he was Prince.*

A

I. THat the ſaid Earl being truſted and employed by the ſaid late King as his Ambaſſador to *Ferdinando*, then and now Emperor of *Germany*; and to *Philip* the Fourth, then and now King of *Spain*, *in Annis* 1621. 22. and 23. And having Commiſſion, and particular and ſpecial Direction to Treat with the ſaid Emperor, and the King of *Spain*, for the plenary reſtoring of ſuch parts of the Dominions, Territories, and Poſſeſſions of the Count *Palatine* of *Rhine*, who married B with the moſt Excellent Lady *Elizabeth* his now Royal Conſort, the onely Daughter of the ſaid late King *James*; which were then wrongfully and in hoſtile manner taken, and poſſeſſed with and by the Armies of the ſaid Emperor, and King of *Spain*, or any other; and for preſerving, and keeping ſuch other parts thereof as were not then loſt, but were then in the protection of the ſaid late King *James*, and to the uſe of the ſaid Count *Palatine* and his Children: And alſo to Treat with the ſaid King of *Spain* for a Marriage to be had between the moſt High and C Excellent Prince *Charls*, then Prince of *Wales*, the onely Son and Heir Apparant of the ſaid King *James*, and now our moſt Soveraign Lord, and the moſt Illuſtrious Lady *Donna Maria* the *Infanta* of *Spain*, Siſter to the now King of *Spain*: He the ſaid Earl contrary to his duty and Alleagiance, and contrary to the truſt and duty of an Ambaſſador, at *Madrid* in the Kingdom of *Spain*, to advance and further the deſigns of the ſaid King of *Spain* againſt our ſaid Soveraign Lord, his Children, Friends, and Allies, falſly, willingly, and traiterouſly, and as a Traitor to our ſaid late Soveraign Lord the King, by ſundry Letters and other Meſſages D ſent by the ſaid Earl from *Madrid* in the years aforeſaid unto King *James*, and his Miniſters of State of *England*, did confidently and reſolutely, inform, adviſe, and aſſure the ſaid late King, That the ſaid Emperor, and King of *Spain*, would really, fully, and effectually make reſtitution and plenary reſtauration to the ſaid Count *Palatine*, and his Children of the ſaid Dominions, Territories, and Poſſeſſions of the ſaid Count *Palatine*, and of the ſaid Electoral Dignity. And that the ſaid King of *Spain* did E really, fully, and effectually intend the ſaid Marriage between the ſaid Lady his Siſter, and the ſaid Prince our now Soveraign Lord, according to Articles formerly propounded between the ſaid Kings: Whereas in truth, the ſaid Emperor and King of *Spain*, or either of them, never really intended ſuch reſtitution as aforeſaid. And whereas the ſaid King of *Spain* never really intended the Marriage according to thoſe Articles propounded, but the ſaid Emperor and King of *Spain*, intended onely by thoſe Treaties, to gain time to compaſs their own ends and purpoſes, F to the detriment of this Kingdom, (of all which, the ſaid Earl of *Briſtol* neither was nor could be ignorant.) The ſaid late King *James* by entertaining thoſe Treaties, and continuing them upon thoſe falſe Aſſurances given unto him by the ſaid Earl, as aforeſaid, was made ſecure, and loſt the opportunity of time, and thereby the ſaid Dominions, Territories, and Poſſeſſions of the ſaid Count *Palatine*, and the Electoral Dignity be-

Articles againſt the Earl of *Briſtol.*

An. 1626.

became utterly loſt; and ſome parts thereof were taken out of the actual poſſeſſion of the ſaid King *James*, unto whoſe protection and ſafe keeping they were put, and committed by the ſaid Count *Palatine*; and the moſt Excellent Lady *Elizabeth* his Wife, and their Children, are now utterly diſpoſſeſſed and bereaved thereof, to the high diſhonor of our ſaid late Soveraign Lord King *James*, to the diſheriſon of the ſaid late Kings Children, and their Poſterity, of their Antient Patrimony, and to the diſadvantage and diſcouraging of the reſt of the Princes of *Germany*, and other Kings and Princes in Amity and League with his Majeſty. A

II. That the ſaid Earl of *Briſtol* being Ambaſſador for his late Majeſty King *James*, as aforeſaid, in *Annis ſupradictis*, and having received perfect, plain, and particular Inſtructions and Directions from his ſaid late Majeſty, That he ſhould put the King of *Spain* to a ſpeedy and punctual Anſwer, touching the Treaties aforeſaid: And the ſaid Earl well underſtanding the effect of thoſe Inſtructions and Directions ſo given unto him, and taking preciſe knowledge thereof; and alſo knowing how much it concerned his late Majeſty in honor and ſafety (as his great Affairs then ſtood) to put theſe Treaties to a ſpeedy concluſion: Yet nevertheleſs he the ſaid Earl, falſly, willingly, and traiterouſly, contrary to his Allegiance, and contrary to the truſt and duty of an Ambaſſador, did continue thoſe Treaties upon Generalities, without effectual preſſing the ſaid King of *Spain* unto particular Concluſions, according to his Majeſties Directions, as aforeſaid; and ſo the ſaid Earl intended to have continued the ſaid Treaties upon Generalities, and without reducing them to Certainties, and to direct Concluſions: To the high diſhonor of his ſaid late Majeſty, and to the extream danger and detriment of his Majeſties perſon, his Crown, and Dominions, Confederates, and Allies. B C

III. That the ſaid Earl of *Briſtol* being Ambaſſador for his ſaid late Majeſty as aforeſaid, in the years aforeſaid, to the intent to diſcourage the ſaid late King *James*, for the taking up of Arms, entring into Hoſtility with the ſaid King of *Spain*, and for reſiſting him and his Forces, from attempting the Invaſion of his ſaid late Majeſties Dominions, and the Dominions of his ſaid late Majeſties Confederates, Friends, and Allies; the ſaid King of *Spain* having long thirſted after an Univerſal Monarchy in theſe Weſtern parts of the World, hath many times both by words and Letters to the ſaid late King and his Miniſters, extolled and magnified the greatneſs and power of the ſaid King of *Spain*, and repreſented unto his ſaid late Majeſty, the ſuppoſed dangers which would enſue unto him, if a War ſhould happen between them; and affirmed and inſinuated unto his ſaid late Majeſty, That if ſuch a War ſhould enſue, his ſaid late Majeſty, during the reſt of his life, muſt expect neither to Hunt nor Hawk, nor eat his Meat in quiet: Whereby the ſaid Earl of *Briſtol* did cunningly and traiterouſly ſtrive to retard the Reſolutions of the ſaid late King, to declare himſelf an enemy to the ſaid King of *Spain*, (who under colour of Treaties and Alliances, had ſo much abuſed him) and to reſiſt his Arms and Forces, to the loſs of opportunity of time, which cannot be recalled or regained, and to the extream danger, diſhonor, and detriment of this Kingdom. D E F

IV. The ſaid Earl of *Briſtol* upon his diſpatch out of this Realm of *England*, in his Ambaſſage aforeſaid, having communication with divers perſons in *London*, within this Realm of *England*, before his going into *Spain*, in and about his Ambaſſage concerning the ſaid Treaty: For the

Negotiating

2 Caroli.

Negotiating whereof, the ſaid Earl purpoſely was ſent; and he the ſaid Earl being then told, That there was little probability that theſe Treaties would or could have any good ſucceſs, he the ſaid Earl acknowledged as much; and yet nevertheleſs, contrary to his duty and alleagiance, and to the faith and truch of an Ambaſſador, he the ſaid Earl ſaid and affirmed, That he cared not what the ſucceſs thereof would be; for he would take care to have his Inſtructions, and to purſue them punctually; and howſoever the buſineſs went, he would make his Fortune thereby, or uſed words at that time to ſuch effect; whereby it plainly appeareth, That the ſaid Earl from the beginning herein, intended not the Service or Honor of his late Majeſty, but his own corrupt and ſiniſter ends, and for his own advancement.

V. That from the beginning of his Negotiation, and throughout the whole managing thereof, by the ſaid Earl of *Briſtol*, and during his ſaid Ambaſſage, He the ſaid Earl contrary to his faith, and duty to God, the true Religion profeſſed by the Church of *England*, and the Peace of this Church and State, did intend and reſolve, that if the ſaid Marriage ſo treated of as aforeſaid, ſhould by his Miniſtry be effected, that thereby the Romiſh Religion and Profeſſors thereof ſhould be advanced within this Realm, and other his Majeſties Realms and Dominions, and the true Religion and Profeſſors thereof diſcouraged and diſcountenanced: And to that end and purpoſe, the ſaid Earl during the time aforeſaid, by Letters unto his late Majeſty, and otherwiſe, often counſelled and perſwaded his ſaid late Majeſty to ſet at liberty the Jeſuites and Prieſts of the Romiſh Religion; which, according to the good Religious and Politick Laws of this Kingdom, were impriſoned or reſtrained, and to grant and to allow unto the Papiſts and Profeſſors of the Romiſh Religion, free Toleration, and ſilencing of all the Laws made, and ſtanding in force againſt them.

VI. That by the falſe Informations and Intelligence of the ſaid Earl of *Briſtol*, during the time aforeſaid unto his ſaid late Majeſty, and to his Majeſty that now is, (being then Prince) concerning the ſaid Treaties; and by the Aſſurances aforeſaid given by the ſaid Earl, his ſaid late Majeſty, and the Prince his now Majeſty, being put into hopes, and by the ſaid long delay uſed, without producing any effect, their Majeſties being put into jealouſies and juſt ſuſpition, that there was no ſuch ſincerity uſed towards them as they expected, and with ſo many Anſwers from the Earl had on their part been undertaken, the ſaid Prince our now gratious Soveraign, was inforced out of his love to his Countrey, to his Allies, Friends, and Confederates, and to the peace of Chriſtendom, who all ſuffered by thoſe intolerable delays, in his own perſon, to undertake his long and dangerous journey into *Spain*, that thereby he might either ſpeedily conclude thoſe Treaties, or perfectly diſcover, that on the Emperors and King of *Spains* part, there was no true and real intention to bring the ſame to concluſion, upon any fit and honorable terms and conditions, and did abſolutely and ſpeedily break them off. By which journey, the perſon of the ſaid Prince being then Heir-Apparant to the Crown of this Realm, and in his perſon, the peace and ſafety of this Kingdom, did undergo ſuch apparant, and ſuch inevitable danger, as at the very remembrance thereof, the hearts of all good Subjects do even tremble.

II. *Offences*

An. 1626.

II. *Offences done and committed by the ſaid Earl, during the time of the Princes being in* Spain.

VII. THat at the Princes coming into *Spain*, during the time aforeſaid, the Earl of *Briſtol*, cunningly, falſly, and traiterouſly moved and perſwaded the Prince, being then in the power of a foreign King of the Romiſh Religion, to change his Religion, which was done in this manner: At the Princes firſt coming to the ſaid Earl, he asked the Prince for what he came thither, the Prince at firſt not conceiving the Earls meaning, anſwered, You know as well as I. The Earl replied, Sir, Servants can never ſerve their Maſter induſtriouſly, although they may do it faithfully, unleſs they know their meanings fully. Give me leave therefore to tell you what they ſay in the Town is the cauſe of your coming, That you mean to change your Religion, and to declare it here. And yet cunningly to diſguiſe it, the Earl added further. Sir, I do not ſpeak this, that I will perſwade you to do it; or that I will promiſe you to follow your example, though you will do it; but as your faithful Servant, if you will truſt me with ſo great a ſecret, I will endeavor to carry it the diſcreeteſt way I can. The Prince being moved at this unexpected motion again, ſaid unto him, I wonder what you have ever found in me, that you ſhould conceive I would be ſo baſe and unworthy, as for a Wife to change my Religion. The ſaid Earl replying, deſired the Prince to pardon him, if he had offended him, it was but out of his deſire to ſerve him. Which perſwaſions of the ſaid Earl was the more dangerous, becauſe the more ſubtile; whereas it had been the duty of a faithful Servant to God, and his Maſter, if he had found the Prince ſtaggering in his Religion, to have prevented ſo great an error, and to have perſwaded againſt it, ſo to have avoided the dangerous conſequence thereof to the true Religion, and to the State, if ſuch a thing ſhould have hapned.

VIII. That afterwards during the Princes being in *Spain*, the ſaid Earl having conference with the ſaid Prince about the Romiſh Religion, he endeavored falſly and traiterouſly to perſwade the Prince to change his Religion, and to become a Romiſh Catholick, and to become obedient to the uſurped Authority of the Pope of *Rome*: And to that end and purpoſe, the ſaid Earl traiterouſly uſed theſe words unto the ſaid Prince, That the State of *England* never did any great thing, but when they were under the obedience of the Pope of *Rome*, and that it was impoſſible they could do any thing of note otherwiſe.

IX. That during the time of the Princes being in *Spain*, the Prince conſulting, and adviſing with the ſaid Earl, and others, about a new offer made by the King of *Spain*, touching the *Palatinates* Eldeſt Son to marry with the Emperors Daughter, but then he muſt be bred up in the Emperors Courts; the ſaid Earl delivered his opinion, That the Propoſition was reaſonable, whereat when Sir *Walter Aſton* then preſent, falling into ſome paſſion, ſaid, That he durſt not for his head conſent to it; the Earl of *Briſtol* replied, That he ſaw no ſuch great inconvenience in it, for that he might be bred up in the Emperors Court in our Religion.

2 *Caroli.*

on. But when the extream danger, and in a manner the impoſſibility thereof, was preſſed unto the ſaid Earl, he ſaid again, That without ſome great Action, the Peace of Chriſtendom would never be had; which was ſo dangerous, and ſo deſperate a Counſel, that one ſo near the Crown of *England* ſhould be poyſoned in his Religion, and become an unfriend to our State, that the conſequences thereof, both for the preſent and future times, were infinitely dangerous; and yet hereunto did his diſaffection to our Religion, the blindneſs in his Judgment miſled by his ſiniſter reſpects, and the too much regard he had to the Houſe of *Auſtria*, lead him.

III. *Offences done and committed by the ſaid Earl after the Princes coming from* Spain.

X. THat when the Prince had clearly found himſelf and his Father deluded in theſe Treaties, and hereupon reſolved to return from the Court of *Spain*; yet becauſe it behoved him to part fairly, he left the powers of the *Deſponſories* with the Earl of *Briſtol*, to be delivered upon the return of the Diſpenſation from *Rome*, which the King of *Spain* inſiſted upon; and without which, as he pretended, he would not conclude the Marriage. The Prince foreſeeing and fearing leſt after the *Deſponſories*, the *Infanta* that ſhould then be his Wife, might be put into a Monaſtery, wrote a Letter back to the ſaid Earl from *Segovia*, thereby commanding him not to make uſe of the ſaid Powers, until he could give him aſſurance that a Monaſtery ſhould not rob him of his Wife; which Letter the ſaid Earl received, and with ſpeed returned an Anſwer thereto into *England*, perſwading againſt this Direction, yet promiſing Obedience thereunto. Shortly after which, the Prince ſent another Letter to the ſaid Earl into *Spain*, diſcharging him of his farther command. But his late Majeſty by the ſame Meſſenger ſent him a more expreſs direction, not to diſpatch the *Deſponſories* until a full Concluſion were had of the other Treaty of the *Palatinate*, with this of the Marriage; for his Majeſty ſaid, That he would not have one Daughter to laugh, and leave the other Daughter weeping. In which Diſpatch although there were ſome miſtaking, yet in the next following the ſame was corrected, and the Earl of *Briſtol* tyed to the ſame Reſtriction, which himſelf confeſſed in one of his Diſpatches afterwards, and promiſed to obey punctually the Kings command therein; yet nevertheleſs, contrary to his Duty and Alleagiance, in another Letter ſent immediately after, he declared, That he had ſet a day for the *Deſponſories*, without any Aſſurance, or ſo much as treating of thoſe things which were commanded to him as Reſtrictions; and that ſo ſhort a day, that if extraordinary diligence with good ſucceſs in the Journey had not concurred, the Princes hands might have been bound up; and yet he neither ſure of a Wife, nor any aſſurance given of the Temporal Articles. All which in his high preſumption he adventured to do, being an expreſs breach of his Inſtructions; and if the ſame had not been prevented by his late Majeſties vigilancy, it might have turned to the infinite diſhonor and prejudice of his Majeſty.

An. 1626.

XI. Laſtly, That he hath offended in a high and contemptuous manner in preferring a ſcandalous Petition to this honorable houſe, to the diſhonor of his Majeſty of bleſſed memory deceaſed, and of his ſacred Majeſty that now is, which are no way ſufferable in a Subject towards his Soveraign; and in one Article of that Petition ſpecially, wherein he gives his now Majeſty the Lye, in denying, and offering to falſifie that Relation which his Majeſty affirmed, and thereunto added many things of his own remembrance to both Houſes of Parliament.

ROBERT HEATH.

The Earl of *Briſtol* upon the Attorney Generals accuſing him of high Treaſon, thus expreſt himſelf.

The Earl of *Briſtols* expreſſions at the time of his Accuſation.

"THat he had exhibited his Petition to the Houſe *April* 19, that he "might come up and be heard in his Accuſation of the Duke of "*Buckingham*, and that thereupon he being a Peer of this Realm is now "charged with Treaſon. That he had heretofore informed the late "King of the Dukes unfaithfull ſervice, and thereupon the Duke labo-"red that he might be clapt up in the Tower preſently upon his return "out of *Spain*: That he importuned the late King, that he might be "heard before himſelf, and his Majeſty promiſed it; I pray God (ſaid "he) that that promiſe did him no hurt, for he died ſhortly after: And "for the Kings promiſe he vouched the Lord Chamberlain for a witneſs; "and he deſired the Lords to take notice, that their Houſe was poſſeſſed "already of his ſaid Petition, and of his Accuſation of the ſaid Duke: And "therefore deſired firſt that they would receive his charge againſt the "Duke and the Lord *Conway*, and not to invalid his Teſtimony "againſt them by the Kings Charge againſt him; and that he might "not be impeached, till his Charge of ſo high a nature be firſt "heard.

"So he tendred to the Houſe the Articles againſt the Duke, which "the Clerk received, and he withdrew, and his Petition exhibited the "19 of *April* was read; and the Lords reſolved upon the Queſtion, "That the ſaid Earls Charge againſt the Duke of *Buckingham* and the "Lord *Conway* ſhould be preſently read.

The Earl being ſhortly after called in again to the Bar of the Lords Houſe, concerning his Articles againſt the Duke, made this ſpeech.

The Earl of *Briſtols* ſpeech at the Bar of the Lords Houſe at the delivery of his Articles againſt the Duke.

"FIrſt, he craved pardon of their Lordſhips for his earneſt Speeches "the other day, confeſſing them to have been in paſſion, ſaying, "That unexpected accuſation of Treaſon would warm any honeſt "heart, but would hereafter amend it. Then he rendred their Lordſhips "humble thanks, for their manner of proceeding againſt him; and de-"ſired to know from Mr Attorney, whether that were his whole Charge "or not, Mr Attorney anſwered, That he had Commandment to open "no more againſt him, peradventure upon the opening of the Charge "ſome particulars might ariſe, and be urged, but no new matter "ſhould.

"Then

2 *Caroli.*

" Then the Earl desired to know of Mr Attorney, who was the Re-
" lator to his Charge, and that he might understand who was his Ac-
" cuser: Mr Attorney answered, That the King himself out of his own
" mouth had given him directions for his own Relation against him, and
" corrected many things that were added: Unto which the Earl answer-
" ed, That he would not contest with the King, neither did it beseem
" him so to do; neither esteemed he his life or his fortunes so much, as to
A " save them by contesting with his Soveraign; and therefore would
" make no reply or answer, were it not that his Religion and Honor
" were joyntly questioned with his life; but this being to descend to his
" Posterity, for their sakes he was an humble Suitor unto his Majesty,
" that he would not take indignation at his own just defence, yet would
" he be ready to make any humble submission to his Majesty; and hear-
" tily desired some means might be made, that he might make it perso-
" nally to himself; wherein he would submit himself most willingly to
B " some such act of humiliation and submission, (not wronging his inno-
" cency) that never Subject did towards his Soveraign: And also, That
" his Majesty would be pleased to set himself in his Throne of Justice,
" and declare out of his Royal justice, that he would have the Duke and
" him upon equal terms, and that neither of their causes should be advan-
" ced before others.

" These were his humble Petitions which he besought their Lord-
" ships to present unto his Majesty, and to take into their consideratio-
C " ons of how dangerous a consequence it would be, if the King should
" be Accuser, Judge, Witness, and should have the Confiscation. As
" touching the Charge against him, he said, He had once answered it all,
" except that of his Petition; and he doubted not but to clear himself
" before their Lordships of every particular of it; he said, he expected
" not to have heard of this again, having once answered it: He rather
" expected to have been charged with some practise with *Spain* against
" the State; or the receipt of Ten or Twenty thousand pounds, for
D " the perswading and procuring of the delivery up of some Town, of
" which the Crown was in possession, as might be the Town of *Flush-*
" *ing*, the *Brill*, or the like; or for being the means of lending the
" Kings Ships to a Forein Nation, and that against those of our
" own Religion; or for revealing his Majesties highest Secrets,
" which none above two or three dares know; or for treating the
" greatest affairs, as it were by his own Authority, without formal
" Instructions in the points; or for having taken Rewards, or
E " been corrupted by a Foreign Prince; or to have broken his
" Instructions in any Ecclesiastical point; or, as the Law cal
" leth it, to have committed an overt Act of disloyalty, and
" not to be charged after seven Ambassages, with Discourses and
" Inferences.

" Then he desired their Lordships that he might have a Copy
" of his Charge in writing, and time allowed him for his Answer,
" and Counsel assigned him to plead his Cause; and said, there
F " was a great difference between the Duke of *Buckingham* and
" him; for the Duke was accused of Treason, and yet at large,
" and in the Kings favour; and he being accused but of that
" which he had long since answered, was a Prisoner; and
" therefore he moved that they might be put in equal condi-
" tion.

An. 1626.

"And as touching the Lord *Conway*, in as much as he had given in "Articles againſt him, he deſired his Lordſhip might not meddle in that "particular buſineſs, nor uſe the Kings name againſt him *ex officio*; he "alſo beſought their Lordſhips to be Suitors to his Majeſty on his be- "half, that all the particular diſpatches of his own Ambaſſages, and "Sir *Walter Aſhtons* might be brought thither, and that he might make "uſe of them for his defence, as his Evidence; then he deſired their "Lordſhips not to think it tedious for him to proceed and lay open his A "Caſe unto them; which being granted, he began as followeth.

He layes open his Caſe to the Parliament.

"HE ſaid that he had the honor to ſerve the late King his Maſter "of happy memory, for the ſpace of twenty years, and a long "time as a Counſellor, and in ſeven Forein Ambaſſages: In all "which time, in point of his Negotiation he had never received one "check or rebuke, until the return of the Duke of *Buckingham* out "of *Spain*, and therefore from thence he would begin his preſent Nar- B "ration.

"The very day that his Majeſty departed from *Spain*, he was pleaſed "to tell him, That he had no wayes offended him, but did him the ho- "nor to truſt him with the cuſtody of the powers for his Marriage, and "after his return into *England*, wrote unto him ſome Letters, which "did in no kinde expreſs any diſtruſt or diſpleaſure againſt him. About C "the ſame time he wrote unto his Majeſty ſeveral Letters, as in duty he "was bound, not for any earthly reſpect whatſoever, to conceal from "him the true ſtate of his Affairs; in which Letter he ſet down truly "and honeſtly, That he conceived that the diſtaſtes grown there betwixt "the King of *Spain*, and his Miniſters, and the Duke of *Buckingham*, would "diſorder and utterly overthrow all his affairs, if his wiſdom prevented "it not, *hinc illæ lacrymæ*: The Duke of *Buckingham* got a ſight and "knoweldge of the Letters, and fearing leſt the Earl at his return D "ſhould diſcover unto his ſaid late Majeſty his practiſes and miſdemea- "nors in *Spain*, he reſolved, That his acceſs to the King was no wayes "to be admitted, and therefore labored and endeavored that he might be "committed to the Tower preſently upon his arrival; and conceiving "That the Lord Maqueſs *Hamilton* in regard of his Friendſhip with the "Earl and the Alliance which was then intended between them, might "oppoſe this courſe, he earneſtly preſſed him therein, and moved him "to deal with my Lord Chamberlain to the ſame purpoſe, vowing, That E "there was no hurt intended to the Earl; but onely, that he feared, that "if he ſhould be admitted to the King, he would croſs and diſturb the "Courſe of Affairs; but they were ſo honorable, that neither of them "would condeſcend thereunto, and ſo that intention of his took "no effect; and therein the Earl deſired my Lord Chamberlain, "that he would be pleaſed upon his Honor to deliver his know- "ledge.

F

The Lord Chamberlain atteſts the truth of what the Earl had ſaid.

"This Deſign of the Duke not taking, he fell upon other things, "indeed to have frightened the Earl out of his Country and honor, and "thereupon laid ſome great and ſiniſter aſperſions upon him in both "Houſes of Parliament, thinking thereby to have terrified him that he "ſhould not return, ſaying, That if he kept not himſelf where he was,

"and

2 *Caroli.*

"and laid hold of those great offers which he heard were made unto him "in *Spain*, it would be worse with him.

Then the Earl of *Bristol* proceeded and said,

The Earl proceeds.

"That the knowledge of these aspersions cast upon him in the Parlia- "ment, came first unto him at *Burdeaux* in *France*, where he was coming "home at leisure in the company of his wife and family, having formerly A "sent a Post of purpose to the Lord *Conway*, to know if his speedy return "would be any way useful to his Majesties service: Who answered him, "That he might very well return at leisure with his family. And in the "mean time he was fallen upon by the Duke of *Buckingham* in Parliament, "in such sort as your Lordships well remember; of whose Declaration "he said he would boldly affirm unto their Lordships, that there was "scarce any one thing concerning him in it, which was not contrary to, "or different from the truth.

B "From *Burdeaux* the Earl took Post, making haste, for that he hoped "to clear his Honor in Parliament before it should break up; and being "arrived at *Calis*, he sent over to have one of the Kings Ships, for which "there was publick Order given; but although both wind and weather "were as fair as could be, and the Kings Ships lay at *Boloign*, having "carried over Count *Mansfield*, and might every day within three hours "have been with him, yet the Ship came not in eight days expectance; "so that the Earl fearing the Parliament would be dissolved, was enforced C "to pass the Sea in a Boat with six Oars, as he did, having with him "Thirty or Forty thousand pounds of the Kings Jewels.

"Upon his landing at *Dover*, hoping that if his Arrest should have "been deferred until his coming to *London*, he might have gotten di- "rectly to the Kings presence, which the Duke resolved was by no means "to be admitted; The Earl was there by a Letter of the Lord *Conway's* "delivered unto him by a Servant of his, in his Majesties name, com- "manded to retire himself to his House, and not to come to the Court D "or the Kings presence, until he should have answered to certain Que- "stions which his Majesty would appoint some of the Lords of the "Council to ask him. Hereupon he sent presently to his Majesty, who "sent him word, That his restraint was neither for any ill meaning unto "him, nor that it should last long, but was intended for his good, to keep "the Parliament from falling violently upon him. And the same reason "the Duke alleadged to some of his Friends; and all those his troubles "which have followed upon his first restraint, have been procured by the E "Dukes Art under colour of Favor. But the Earl having received his "Message from the King, became a most humble Suitor unto his Ma- "jesty, that he would expose him to the Parliament; for that if he had "not served him honestly in all things, he deserved no favor, but to be "proceeded against with all severity. And in this particular he prest "the King as far as could stand with duty and good manners; but received "answer from his Majesty, That there should but few more days pass "before he would put an end to his affairs: And about this time the F "Parliament was dissolved.

"He still continued his sollicitation to be admitted to the Kings "presence; Who sent him word, and confirmed it by oath, That as "soon as he should have answered the Questions which the Commissi- "oners were to propound to him, he would both see him, and hear him, "and wondred that he should so much doubt thereof. He then sollicited with

An. 1626.

" with all earneſtneſs to have the Queſtions ſent unto him, which was " promiſed ſhould be within few days. In the interim his Majeſty being " deſirous that the buſineſs ſhould have been accommodated, ſent ſecretly " to him by a Gentleman (who is ready to depoſe it) this Meſſage; " *That he ſhould write a fair Letter to the Duke, and leave the reſt to Him.* " Hereupon the Duke ſent a Gentleman (one Mr. *Clark*) with fair Pro- " poſitions, offering to procure him whatſoever he could reaſonably " pretend; only he muſt not be admitted to the Kings preſence for A " ſome time; and that the Duke would have the diſpoſing of his *Vice-* " *chamberlains* Place, having been therein formerly engaged. The Earl " told the Gentleman, That to condeſcend to any ſuch Courſe, were " jointly to confeſs himſelf faulty in ſome kind, which he would not do " for any reſpect in the world; and let him know the great wrong that " the Duke had already done him, and therefore it would be more hono- " rable for him to procure him ſome reparation, then to preſs him further. " Moreover, not by way of meſſage, but by way of information of the B " ſaid Mr. *Clark*, he let him know, how fit it were for the Duke not to " preſs theſe things, who could not but be conſcious of his own Faults, " and knew his Innocencie; and withall ſhewed him a Paper that he had " made ready for the King, containing the Particulars wherein the Duke " had diſparaged him.

" Mr. *Clark* making the Duke acquainted herewith, the Duke wrote a " Letter the next day to the Earl, bearing date 7 *Julii*, telling him, " That he had willingly intended the accommodation of his affairs; but C " by what he had now ſaid to Mr. *Clark*, he was diſobliged, unleſs he " ſhould be pleaſed to relent it. Whereupon the Earl anſwered with that " directneſs he thought befitting him in point of Honor. The Courſe " of Mediation was interrupted, and the Duke ſo far incenſed, that he " ſwore he would have him queſtioned for his life. In the interim, (which " the Earl deſired might be known to the Lords) His late Majeſty was " ſo far from thinking him a Delinquent, or any way diſhoneſt, that he " was often heard to ſay, and ſwear, That he held him an honeſt man, and D " that he would anſwer for him, that he had neither committed Felony " nor Treaſon. And this divers are ready to depoſe. The which he well " confirmed, for that he gave general leave to all Gentlemen of the " Court, Privy-Counſellors, and to his Secretary of State to have free " acceſs unto him; yea even ſo far as to admit of Viſits and Entercourſes " with Spaniſh Ambaſſadors, and the *Padre Maeſtre*, as is beſt known to " my Lord *Conway*, by whoſe Letter he received his Majeſties leave in " that particular. E

" Then he reſumed the ſtate of his buſineſs where he left it, which " was in the hands of the Commiſſioners, and they were to frame Inter- " rogatories for him; the which although he had promiſed ſhould be " ſent him within a few days, yet ſuch art was uſed, that ſix or ſeven " weeks were ſpent in the framing of them, to the end that his Majeſties " Progreſs beginning, there might be no means for the further clearing " of the buſineſs: And ſo ſuppoſing that for the anſwering of the Twenty " Interrogatories of ſo high a nature, the Earl would take ſome time, they F " cauſed the ſaid Interrogatories to be delivered unto him within a few " days before the beginning of the Progreſs; but he uſed ſo much dili- " gence, that he made ready to anſwer *in perſona*, though it were in the " nature of a Delinquent. Unto which his Majeſty anſwered moſt graci- " ouſly, That out of his favor, and for that he would not do him wrong,

" he

2 *Caroli.*

" he would not admit of it, but that he ſhould ſend his Anſwer, and he
" would inſtantly put an end to his buſineſſes; as will appear by Letters.
" Hereupon the Duke was put into a great ſtrait how to keep him any
" longer from his Majeſty, but deſired that only a few Queſtions more
" might be asked of him; which the King upon great urging and inſtance
" condeſcended unto, ſo that the Queſtions might be preſently ſent him:
" But herein were ſuch Artifices uſed, that the bringing of any was de-
A " layed until the King had begun his Progreſs; and then within a day or
" two the Lord *Conway* ſent him word, That he had Order indeed for the
" ſending of him ſome more Queſtions, but out of his affection to him
" he forbore the ſending of them, unleſs he ſhould preſs for them.
" Whereupon the Earl inſtantly wrote unto him, that they might be ſent
" unto him. My Lord *Conway* made him anſwer by his Letter, That he
" wiſhed rather the courſe of Mediation might be purſued, for that would
" but further exaſperate; but if he would needs have the Queſtions, they
B " ſhould be ſent to him. Whereupon he ſent to ſollicit his Lordſhip for
" them with all earneſtneſs, inſomuch as to petition his late Majeſty twice
" that the ſaid Queſtions might be ſent: But when the turn was ſerved
" of keeping him from the Kings preſence, the ſaid Queſtions were never
" more heard of until this day.

" So likewiſe the Earl having ſent his Anſwer to all the Commiſſi-
" oners, who moſt of them made not nice to declare that they were fully
" ſatisfied, and when it was perceived that the Commiſſioners would
C " certainly clear him, and that he thereby ſhould be reſtored unto his Ma-
" jeſties favor, they were never more permitted to meet: A proceeding
" which, as he conceived, their Lordſhips would think hardly to be pa-
" rallel'd, that a Commiſſion ſhould be appointed to condemn, if there
" had been cauſe, but not to clear.

" After the Progreſs was ended, he began again to ſollicit his Majeſty,
" and wrote particularly unto the Duke of *Buckingham*. Whereupon the
" Duke was pleaſed to ſend four or five Propoſitions, which he deſired
D " he ſhould acknowledge; the which Propoſitions contained nothing
" but what had been already propounded and ſatisfied in the former In-
" terrogatories; And if he would make his acknowledgment, he then
" promiſed to imploy his force and power with the King and Prince, that
" he ſhould be admitted to kiſs their hands and be received into their
" gracious favor; but otherwiſe in a menacing ſort, That he ſhould lay
" his hands upon his breaſt, and ſo that would be the beſt for him. And
" in the preface of the ſaid Propoſitions he writeth in theſe words which
E " follow: *It is an aſſertion not granted, that the Earl of* Briſtol *by his Anſwer*
" *had ſatisfied either the King, the Prince, or me of his Innocencie.* A pre-
" ſumptuous commination for any Subject.

" But theſe Propoſitions were ſo unjuſt, that he wrote unto the
" Duke, that in ſtead of an Acknowledgment he had ſent him an Anſwer
" unto them; unto which if either himſelf or any man living was able to
" reply, he would ſubmit himſelf to any thing that ſhould be demanded.
" But this no way ſatisfied the Duke, although it did his late Majeſty,
F " who in the Dukes preſence ſaid, *I were to be accounted a Tyrant, to en-*
" *join an Innocent man to confeſs faults of which he was not guilty.* And
" thereupon ſent him word, That he ſhould make his Anſwer, but ac-
" knowledge nothing he was not faulty in. And although he received
" this Meſſage from the Kings own mouth, as will be depoſed, yet the
" Duke at the ſame time wrote unto him, That the concluſion of all that

" had

An. 1626. "had been treated with his Majeſty, was, That he ſhould make the Acknowledgment in ſuch manner as was ſet down in this paper. And at "this time likewiſe it was that his Majeſty ſent him word, That he "would hear him concerning the Duke of *Buckingham*, as well as he "had heard the Duke concerning him. And this was not long before his "Majeſties ſickneſs: And in the interim, as he had heard by ſeveral ways, "the King ſuffered much, and was infinitely preſſed by the Duke con- "cerning the ſaid Earl and his affairs; and this he ſaid was the ſuffering A "he had ſpoken of to their Lordſhips the other day.

"The Earl craved leave of their Lordſhips to ſpecifie ſome other "particulars, whereby it ſhould appear that his Majeſty was in no kind "ill opinioned of him till his dying day, *viz.* That ſeveral perſons will "depoſe, that they have heard his Majeſty ſay, that he eſteemed him an "honeſt man; And that he was pleaſed to accept of Toyes by way of "Preſent from him graciouſly and in good part; and at laſt was likewiſe "pleaſed to give him leave to come to *London* and to follow his own B "affairs, and that his pleaſure was ſignified unto him by the Duke his "own Letter. Whereupon he determined to come to *London*, intimated "to the Duke his intention of going to his Lodging in *Whitehall*; but "the Duke was therewith incenſed again, and ſaid he miſtook the Kings "meaning, which was, that he might privately follow his own buſineſs. "And this he ſaid was the true State and Condition, when it pleaſed God "to take unto his mercy his late moſt gracious Majeſty.

"Upon his Majeſties coming to the Crown, he ſaid he wrote a moſt C "humble Letter unto his Majeſty, imploring his grace and goodneſs, "and deſiring the Dukes mediation: But he was pleaſed to anſwer by "his Letter of 7 *Maii* 1625. That the reſolution was to proceed againſt "him, without a plain and direct Confeſſion of the Point which he had "formerly required him to acknowledge; and in a Courtly manner of "menace telleth him, That he would take the freedom to adviſe him to "bethink himſelf in time what will be moſt for his good. But in the "interim his Majeſty was graciouſly pleaſed that his Writ of Parliament D "ſhould be ſent him; and thereupon he wrote unto the Duke of the re- "ceipt of the ſaid Writ, but that he ſhould do nothing but what he ſhould "underſtand to be moſt agreeable to his Majeſties pleaſure. Whereunto "the Duke anſwered in his Letters of *May* in this manner: *I have ac- "quainted his Majeſty with your requeſts towards him touching your Summons "to the Parliament, which he taketh very well, and would have you rather make "excuſe for your abſence notwithſtanding your Writ, then to come your ſelf in "perſon.* Whereupon he ſent humbly to deſire a Letter of leave under his E "Majeſties hand for his Warrant; but inſtead thereof he received from "the L. *Conway* an abſolute Prohibition, and to reſtrain and confine him in "ſuch ſort as he hath been in the late Kings time: And although he was in- "deed abſolutely ſet free, he could never get cleared by the Lord *Conway*, "though he ſent him all the Papers to examine; and when he could make "no further reply, he ſaid he conceived he was under reſtraint, and that "his liberty expired with the late Kings death; when indeed Reſtraint "may expire, but Liberty is natural. After this he continued for the F "ſpace of three quarters of a year in the Country without moving, in "which time he was removed from thoſe Places and Offices he held "during his late Majeſties life; and the greateſt part of his Eſtate being "laid out in their Majeſties ſervice by their particular appointment, he "could never be admitted ſo much as to the clearing of Accompts. Yet

"hereof

2 Caroli.

" hereof he never made the leaſt complaint: But againſt the time of his
" Majeſties Coronation, he thought it fit to lay hold of that occaſion,
" when Princes do Acts of grace and favor, to be a moſt humble Suitor
" to his Majeſty for his grace and goodneſs; and addreſſed his Letters
" unto the Duke of *Buckingham*, from whom he received a Letter all writ-
" ten in his own hand, and therein a Letter incloſed from his Majeſty,
" ſo different from ſome gracious Meſſage which he had received from his
A " Majeſty ſince the ſaid Earl returned into *England*, upon the occaſion of
" a great ſickneſs; and likewiſe from his ſpeeches ſeveral times delivered
" to his Wife, to wit, That he had never offended him, and that for his
" faults, he no ways held them criminal, but to be expiated by any eaſie
" acknowledgment: That he confeſſed he knew not what judgment to
" make of the ſaid Letter, neither hath preſumed hitherto to make any
" Anſwer thereto; although by reducing the occaſions of ſpeeches, and
" circumſtances to his Majeſties memory, he no ways doubteth but he
B " ſhall be able to give unto his Majeſty ſuch ſatisfaction to every parti-
" cular, as his Majeſty would not remain with the leaſt ſcruple in any
" one point.

" After this he ſaid, that his Writ of Parliament was detained; where-
" upon he addreſſed himſelf to the Lord Keeper, that he would be a Suitor
" to his Majeſty for him in that behalf: which diligences not taking ef-
" fect, by Petition he became a Suitor to their Lordſhips for their Hono-
" rable mediation to his Majeſty, and thereupon his Writ of Parliament
C " was awarded: But the Duke of *Buckingham* upon that took occaſion,
" as he had publiſhed Copies of the ſaid Letter over all the Kingdom, to
" read it likewiſe in that Honorable Houſe, as was beſt known unto their
" Lordſhips, and the Writ was accompanied with a Prohibition from the
" Lord Keeper; whereupon he addreſſed himſelf for Juſtice to that Ho-
" norable Houſe, (being poſſeſſed of his Cauſe by his Petition) for both
" redreſs of his own wrongs, and likewiſe of Complaints againſt the
" Duke for many Crimes: And that Honorable Houſe being poſſeſſed
D " of his Cauſe by his Petition, there is preferred againſt him a ſucceeding
" Complaint amounting as high as Treaſon (as it is pretended) although
" he for divers years hath not been queſtioned; yet ſince his Complaint
" againſt the Duke, he hath been fetcht up like a Priſoner, and brought
" into that Houſe as a Delinquent; And the Duke, of whom he hath
" complained for his great Crimes, is admitted ſtill to ſit in the Houſe
" as one of his Judges. The which with all that he hath formerly ſaid,
" together with his Life, Fortunes and Honor, he did with all willing-
E " neſs, humility and duty, ſubmit to the Juſtice and Honor of that
" Houſe.

" Then the Lords asked him, When he would bring in his Anſwer?
" He promiſed to anſwer as ſoon as might be, but knew not how far he
" ſhould have occaſion to uſe his antient Diſpatches. The Lord Keeper
" told him, that Mr. Attorney might help him by letting him know it:
" The Attorney ſaid, that his Charge ſhould in nothing look further back
" then to the year 1621. Which he deſired might be recorded.

F " Whereupon the Earl thanking their Lordſhips for their patience,
" he was carried away by Mr. *Maxwell* the Gentleman-Uſher, in whoſe
" houſe and cuſtody he remained.

Then were read the Earls Articles againſt the Duke and the Lord *Conway*, viz.

An. 1626.

Articles of the Earl of Briſtol, whereby he chargeth the Duke of Buckingham, bearing Date the Firſt day of May, 1626.

The Earl of Briſtols Articles againſt the Duke.

I. THat the Duke of *Buckingham* did ſecretly combine with the Conde of *Gondomar* Ambaſſador for the King of *Spain*, before his the ſaid Ambaſſadors laſt return into *Spain*, in the Summer *An.* 1622. To carry his Majeſty (then Prince) into *Spain*, to the end he might be informed and inſtructed in the Roman Religion, and thereby have perverted the Prince, and ſubverted the true Religion eſtabliſhed in *England*: From which miſery this Kingdom (next under Gods mercy) hath by the wiſe, religious, and conſtant carriage of his Majeſty been almoſt miraculouſly delivered, conſidering the many bold and ſubtile attempts of the ſaid Duke in that kind.

II. That Mr. *Porter* was made acquainted therewith and ſent into *Spain*; and ſuch Meſſages at his return framed, as might ſerve for a ground to ſet on foot this Conſpiracie; The which was done accordingly, and thereby the King and Prince highly abuſed, and their Conſents thereby firſt gotten to the ſaid Journey, that is to ſay, after the return of the ſaid Mr. *Porter*, which was about the end of *December*, or the beginning of *January* 1622. whereas the ſaid Duke had plotted it many moneths before.

III. That the ſaid Duke, at his arrival in *Spain*, nouriſhed the Spaniſh Miniſters not only in the belief of his own being Popiſhly affected, but did (both by abſenting himſelf from all Exerciſes of Religion conſtantly uſed in the Earl of *Briſtols* houſe, and frequented by all other Proteſtant *Engliſh*, and by conforming himſelf to pleaſe the *Spaniards* in divers Rites of their Religion, even ſo far as to kneel and adore their Sacrament) from time to time give the *Spaniards* hope of the Prince his Converſion: The which Converſion he endeavored to procure by all means poſſible; and thereby cauſed the Spaniſh Miniſters to propound far worſe Conditions for Religion, then had been formerly by the Earl of *Briſtol* and Sir *Walter Aſton* ſetled and ſigned under their Majeſties hands, with a Clauſe in the King of *Spain's* Anſwer of *Decemb.* 12. 1622. That they held the Articles agreed upon ſufficient, and ſuch as ought to induce the Pope to the granting of the Diſpenſation.

IV. That the Duke of *Buckingham* having ſeveral times in the preſence of the Earl of *Briſtol* moved and preſſed his late Majeſty, at the inſtance of the Conde of *Gondomar*, to write a Letter unto the Pope, and to that purpoſe having once brought a Letter ready drawn, wherewith the Earl of *Briſtol* by his Majeſty being made acquainted, did ſo ſtrongly oppoſe the writing of any ſuch Letter, that during the abode of the ſaid Earl of *Briſtol* in *England* the ſaid Duke could not obtain it; yet not long after the Earl was gone, he procured ſuch a Letter to be written from his late Majeſty unto the Pope, and to have him ſtiled [*Sanctiſſime Pater.*]

V. That the Pope being informed of the Duke of *Buckingham's* inclination and intention in point of Religion, ſent unto the ſaid Duke a particular Bull in parchment, for to perſwade and encourage him in the perverſion of his Majeſty then Prince.

VI. That

2 Caroli.

VI. That the ſaid Dukes behaviour in *Spain* was ſuch, that he thereby ſo incenſed the King of *Spain* and his Miniſters, as they would admit of no reconciliation, nor further dealing with him. Whereupon the ſaid Duke ſeeing that the Match would be now to his diſadvantage, he endeavored to break it, not for any ſervice to the Kingdom, nor diſlike of the Match in it ſelf, nor for that he found (as ſince he hath pretended) that the *Spaniards* did not really intend the ſaid Match, but out of his
A particular ends and his indignation.

VII. That after he intended to croſs the Marriage, he put in practice divers undue courſes; as namely, making uſe of the Letters of his Majeſty (then Prince) to his own ends, and not to what they were intended; as likewiſe concealing divers things of high importance from his late Majeſty, and thereby overthrew his Majeſties purpoſes, and advanced his own ends.

VIII. That the ſaid Duke, as he had with his skill and artifices for-
B merly abuſed their Majeſties, ſo to the ſame end he afterwards abuſed both Houſes of Parliament by his ſiniſter Relation of the carriage of Affairs, as ſhall be made appear almoſt in every particular that he ſpake unto the ſaid Houſes.

IX. As for ſcandal given by his perſonal behaviour, as alſo the imploying of his power with the King of *Spain* for the procuring of Favors and Offices, which he beſtowed upon baſe and unworthy perſons for the recompence and hire of his Luſt; Theſe things, as neither fit for the
C Earl of *Briſtol* to ſpeak, nor indeed for the Houſe to hear, he leaveth to your Lordſhips wiſdom how far you will be pleaſed to have them examined; It having been indeed a great infamy and diſhonor to this Nation, that a Perſon of the Dukes great quality and imployments, a Privy-Counſellor, an Ambaſſador, eminent in his Maſters favor, and ſolely truſted with the Perſon of the Prince, ſhould leave behind him in a Forein Court ſo much ſcandal, as he did by his ill behaviour.

X. That the Duke hath been in great part the Cauſe of the ruine and
D misfortune of the Prince *Palatine* and his Eſtates, in as much as thoſe Affairs had relation unto this Kingdom.

XI. That the Duke of *Buckingham* hath in his Relations to both Houſes of Parliament wronged the Earl of *Briſtol* in point of his Honor by many ſiniſter aſperſions which he hath laid upon him, and in point of his Liberty by many undue Courſes through his power and practices.

XII. That the Earl of *Briſtol* did reveal unto his late Majeſty both by
E word and letter, in what ſort the ſaid Duke had diſſerved him and abuſed his truſt: And that the King by ſeveral ways ſent him word, That he ſhould reſt aſſured he would hear the ſaid Earl, but that he ſhould leave it to him to take his own time. And thereupon, few days before his ſickneſs, he ſent the Earl word, that he would hear him againſt the ſaid Duke, as well as he had heard the ſaid Duke againſt him. Which the Duke himſelf heard. And not long after his bleſſed Majeſty ſickned and
F died, having been in the interim much vexed and preſſed by the ſaid Duke.

An. 1626.

Articles of the Earl of Briſtol againſt the Lord Conway, bearing Date 1 Maii 1626.

The Earl of Briſtols Articles againſt the Lord Conway.

I. THat the Lord *Conway* is ſo great a Servant of the Duke of *Buckingham's*, that he hath not ſtuck to ſend the Earl of *Briſtol* plain word, That if buſineſſes could not be accommodated betwixt him and the Duke, he muſt then adhere and declare himſelf for the ſaid Duke; and therefore unfit to be a Judge in any thing that concerneth the Duke or the Earl. A

II. That the ſaid Lord *Conway* profeſſeth himſelf to be a Secretary of the Duke of *Buckingham's* creation, and ſo acknowledgeth it under his own hand: And although that he be the Kings Secretary of State, and a Privy-Counſellor, he uſually beginneth his Letters to the Duke, [*Moſt gracious Patron.*] B

III. That as a Creature of the ſaid Dukes, the ſaid Lord *Conway* hath been made the Inſtrument of keeping the Earl of *Briſtol* from the Kings preſence, and of impriſoning of him by Warrants only under his own hand; for which he cannot (as the Earl conceiveth) produce any ſufficient Warrant.

IV. That by the ſpace of Twelve moneths laſt paſt, the ſaid Lord *Conway* hath been the Cauſe of the Earls reſtraint, only by miſinforming his Majeſty, and procuring a Letter of reſtraint upon undue grounds: And when it was made apparent unto him, that the ſaid Earl was reſtored to his liberty freely to follow his own affairs by his late Majeſty of bleſſed memory, he replied, That that liberty given him by his Majeſty expired with the Kings death. C

V. That the Earl of *Briſtols* Mother lying ſick upon her death-bed, deſired for her comfort to ſee her Son, and to give him her laſt bleſſing: Whereupon the Earl wrote to the Lord *Conway*, to deſire him to move the King for his leave; which he putting off from day to day, told the perſon imployed, That by reaſon of the Dukes ſickneſs, he could not find opportunity to get the Dukes leave to move the King. And having ſpoken with the Duke, he made a Negative anſwer in the Kings name. Wherewith the Earl acquainting the King by ſome of his Bedchamber, his Majeſty was in a very great anger, ſwearing the Secretary had never moved him, and that to deny the ſaid Earl leave, was a barbarous part; and thereupon ſent him preſently free leave, which the Secretary hearing of, ſent likewiſe afterwards a Letter of leave, but with divers clauſes and limitations differing from the leave ſent him from the Kings own mouth. D E

VI. That having the buſineſſes of the Earl of *Briſtols* in his hands, and the Earl being commanded by the King to addreſs himſelf in his occaſions unto his Lordſhip, He would never deliver any Meſſage from the ſaid Earl, without acquainting the ſaid Duke and receiving his directions, and in a noble manner of freeneſs ſtuck not to ſend him word. F

VII. That the Earl of *Briſtol* having received from the Lord *Conway* Twenty Interrogatories in his late Majeſties name, drawn up by a Commiſſion of the Lords appointed to ſearch into the Proceedings and Imploiments of the ſaid Earl, in which ſearch there was more then two moneths ſpent, divers of the ſaid Interrogatories involving Felony and Treaſon;

2 Caroll.

Treason; And his Majesty having been pleased to assure the said Earl both by Message and Letters, that upon satisfaction given to himself, and the Commissioners by his Answers, he would presently put an end to the Earl of *Bristol*'s Businesse: The Earl of *Bristol* having so fully answered as would admit of no reply, and that many of the Commissioners declared themselves to be fully satisfied: The said Lord *Conway* (being the Secretary in the Commission, to whom it properly belonged to call the Lords to assemble) perceiving the Earl of *Bristol* was like to be cleared, never moved for any further meeting, neither have they ever been permitted to meet until this day, whereby the troubles of the Earl of *Bristol* have been kept on foot till this present, and the said Earls Imprisonment hath been enlarged Twenty moneths; And by the Artifices of the said Duke of *Buckingham* and the said Lord *Conway* (as shall be made appear) the said Earl hath been insensibly involved and stauked into the troubles he is now in, which he doubteth not but your Lordships will judge to be a very considerable Case.

VIII. That for a colour of keeping the Earl from his late Majesties presence, it being pretended after the Answer to the twenty Interrogatories, that there were some few Questions more to be added; whereunto when he should have answered, his Majesty swore solemnly, that without any delay he should be admitted to his presence, and that within two or three dayes he should have the said Questions sent unto him; the Lord *Conway*, notwithstanding he acknowledged under his hand, that he had received his Majesties directions for the sending of the said Articles, and was often thereunto sollicited on the behalf of the said Earl, would never send the said Questions, and at last answered, That he had no more to do with the Earls businesses.

IX. That the Earl of *Bristol* being set free by his late Majesty, to come to *London* to follow his own Affairs as he pleased, and thereupon having his Writ of Parliament sent unto him, without any Letter of Prohibition; but the Earl of *Bristol*, out of his great desire to conform all his actions to that which he should understand, would best please his Majesty, sent to know whether his going or stay would be most agreeable unto his Majesty; who was pleased to answer by a Letter from my Lord Duke of *Buckingham*, That he took in very good part the said Earls respect unto him; but wished him to make some excuse for the present: The which accordingly he did, and moved, That he might have a Letter under the Kings hand to warrant his absence; but under colour of this Letter of leave, upon the Earl of *Bristol*'s own motion and desire, the Lord *Conway* sent a Letter from his Majesty absolutely forbidding his coming to Parliament; and therein likewise was inserted a Clause, That the Earl should remain restrained, as he was in the time of his late Majesty; and so thereby a colour of restraint under his Majesties hand was gotten, which could never be procured in his late Majesties time; whereby the Earl of *Bristol* hath been unduly restrained ever since, without being able to procure any redress, or to make the Lord *Conway* willing to understand his Case, although he sent him all the Papers, whereby he might clearly see, that the Earl was not under restraint in his late Majesties time; but never other Answer could be procured from him, but That he judged the said Earl to be under restraint, and that his Liberty was expired by the late Kings death, as is aforesaid.

X. That the Lord *Conway*, knowing that the Match for the marrying of the King of *Bohemia*'s eldest Son with the Emperors Daughter,

An. 1626.

ter, and being bred in the Emperors Court, was allowed and propounded by his late Majesty: And that his Majesty by his Letters unto his Son-in-law, declareth, That he thinketh it the faireſt and cleareſt way for the accommodation of his Affairs, and that he will take ſufficient care for his breeding in true Religion. And notwithſtanding that the ſaid Earl received a Copy of the ſaid Letter by the late Kings order, with other Papers, ſetting down all that had been done in the ſaid buſineſs, and his Majeſties aſſent thereunto from the Lord *Conway* himſelf; yet hath he ſuffered all to be charged, as a crime againſt the Earl of *Briſtol*, both in the twentieth Interrogatory, and in his Majeſties laſt Letter, that he ſhould conſent to the breeding of the young Prince in the Emperors Court. And further in the Interogatory he alledgeth it as an aggravation againſt the ſaid Earl, That the breeding of the ſaid Prince in the Emperors Court inferred to the perverſion of his Religion, when he knew that his ſaid breeding was never thought nor ſpoken of by the King, nor any other, but with that expreſs Clauſe and Condition, That he ſhould be bred in his own Religion, and have ſuch Tutors and Servants, as his Father ſhould appoint. A B

XI. That the Lord *Conway* hath been the cauſe of all the Earl of *Briſtol*'s Troubles, by his dubious and intrapping Diſpatches, and inferring, That the ſaid Earl hath failed in his Directions, when it ſhall be made appear, that his Diſpatches contained no ſuch Directions as he hath alledged were given. C

The Houſe not being ſatisfied to commit the Earl to the Tower, let him remain where he was before, with the Gentleman Uſher, and further ordered, That the Kings Charge againſt the Earl of *Briſtol* be firſt heard, and then the Charge of the ſaid Earl againſt the Duke, yet ſo that the Earls Teſtimony againſt the Duke be not prevented, prejudiced, or impeached. D

The day following the Lord Keeper delivered a Meſſage from the King to the Houſe of Lords.

A Meſſage from the King to the Lords concerning *Briſtol*'s Articles againſt the Duke.

"THat his Majeſty taketh notice of the Articles exhibited againſt "the Duke of *Buckingham* by the Earl of *Briſtol*; and he obſerveth that many of them are ſuch, as himſelf is able to ſay "more of his own knowledge then any man for the Dukes ſincere carriage in them: That one of them, touching the Narrative made in "Parliament in the One and twentieth of King *James*, trencheth as far "upon himſelf as the Duke, for that his Majeſty went as far as the "Duke in that Declaration; and that all of them have been cloſed in "the Earls own breaſt now for theſe two years, contrary to his Duty, "if he had known any crime of that nature by the Duke, and now he "vents it by way of recrimination againſt the Duke, whom he knows "to be a principal Witneſs to prove his Majeſties Charge. E

"And therefore, That his Majeſty gave them thanks, that they gave "no way to the Earl of *Briſtol*'s unreaſonable motion, of putting the "Duke under the ſame reſtraint that they had put the Earl, thereby "eſchewing what the Earl aimeth at, to alter their dutifull Proceedings "toward his Majeſty: That thereby they had made his Majeſty confident, that as they have, ſo they will put a difference between his F

"Majeſties

"Majesties Charge against one that appeareth as a Delinquent, "and the recrimination of the Earl of *Bristol* against his Majesties "Witness; and they will not equal them by a proceeding *Pari* "*Passu*. 2 *Caroli.*

At this time there was an endeavor to take the Earls Cause out of the House, and to proceed by way of Indictment in the Kings-Bench: To which manner of proceeding why the Lords should not give way, these ensuing Reasons were offered to consideration. A

I. IT was ordered, That in all Causes of moment, the Defendants shall have Copies of all Depositions both *pro* and *contra* after publication, in convenient time, before hearing, to prepare themselves; and if the Defendants will demand that of the House in due time, they shall have their learned Council to assist them in their defence: And their Lordships declared, That they did give their assents thereto; B because in all Cases, as well Civil as Criminal and Capital, they hold, That all lawfull help could not before just Judges make one that is guilty avoid Justice; and on the other side, God defend that an Innocent should be condemned. The Reasons.

II. The Earl of *Bristol* by his Petition to the House complained of his restraint, desiring to be heard here, as well in points of his wrongs, as in his accusations against the Duke; whereof his Majesty C taking consideration, signified his pleasure by the Lord Keeper *April* the 20, That his Majesty was resolved to put his Cause upon the honor and justice of this House; and that his pleasure was that the said Earl should be sent for as a Delinquent to answer the offences he committed in his Negotiation before his Majesties going into *Spain*, whilest his Majesty was there, and since his coming thence; and that his Majesty would cause these things to be charged against him in this House; so as the House is fully possessed of the Cause, as well by the D Earls Petition, as by the Kings assent, and the Earl brought up to the House as a Delinquent to answer his offences there; and Mr Attorney hath accordingly delivered the Charge against him in the House, and the Earl also his Charge against the Duke: And now if he be proceeded withal by way of Indictment in the Kings-Bench, these dangerous inconveniences will follow; *viz.*

1. He can have no Counsel.

E 2. He can use no Witness against the King.

3. He cannot know what the Evidences against him will be, in a convenient time to prepare for his Defence; and so the Innocent may be condemned, which may be the Case of any Peer.

4. The Liberties of the House will be thereby infringed, the Honor and Justice thereof declined, contrary to the Kings pleasure expressly signified by the Lord Keeper.

F All these things are expressly against the Order.

5. The Earl being indicted, it will not be in the power of the House to keep him from Arraignment, and so he may be disabled to make good his Charge against the Duke.

Therefore the way to proceed according to the Directions and true

An. 1626. true meaning of the Order, and the Kings pleaſure already ſignified, and preſerve the Liberties of the Houſe, and protect one from injury, will be

First, To have the Charge delivered into the Houſe in writing, and the Earl to ſet down his Anſwer to it in writing; and that the Witneſſes may be examined, and Evidences on both ſides heard, by ſuch courſe and manner of proceedings as ſhall be thought fit by the Houſe; and if upon full hearing the Houſe ſhall finde it to be Treaſon, then to proceed by way of Indictment; if doubtfull in point of Law, to have the opinion of the Judges to clear it; if doutfull in matter of Fact, then to refer it to a regal Fait; And the rather for that

1. It appears that the Earl, in the ſpace of two years (till now he complained) hath not been ſo much as queſtioned for matter of Treaſon.

2. He hath been examined upon twenty Interrogatories, and the Commiſſioners ſatisfie that his Anſwer would admit of no Reply.

3. The Lord *Conway* by ſeveral Letters hath intimated, That there was nothing againſt him but what was pardoned by the Parliament. Pardon of 21 *Jac.* And ſignified his Majeſties pleaſure, That he might reſt in that ſecurity he was, and ſit ſtill.

His Majeſty hath often declared both to the Counteſs of *Briſtol* and others, That there was neither Fellony nor Treaſon againſt him, nor ought elſe, but what a ſmall acknowledgment would expiate.

Some Caſes happened in Parliament 1 & 2 *Caroli*; wherein the Judges opinions were had; *viz.*

THis Queſtion was put to all the Juſtices; *Whether a Peer impeached for Treaſon ſhall be tried in Parliament?* And the chief Juſtice, in the name of all the Juſtices, delivered his opinion that the courſe by Law was Indictment, and this to be ſignified in Parliament before the Lord *Steward*; *vide* 10 *Edward* 4. 6. or by Bill, and an Act of Parliament to attaint the Party. An Order was made in the Upper-Houſe of Parliament 21 *Jac.* That any Peer ſhall have Counſel in caſe Criminal or Capital; and upon the Accuſation of the Earl of *Briſtol* in Parliament, he made a motion for Counſel; which matter was commended to the King by the Lords, with voucher of the ſaid former Order: The King returned Anſwer that this was contrary to the Fundamental Laws of the Realm; but inaſmuch as it was for his Benefit and Prerogative, with which he may diſpence; therefore out of his grace he would allow the Earl of *Briſtol* to have his Counſel, with proteſtation that he would adviſe in the general; and the ſame Order was made without his privity, and without hearing the Juſtices or his Counſel. And upon the Trial of the Lord *Middleſex*, in a Caſe Criminal and not Capital, afterward, that is to ſay Friday after, upon the aſſembly of all the Juſtices, the Attorney of the King, by commandment of the King, demanded their opinion; and they with one voice agreed, That where the Trial is upon Indictment, no Counſel in Fellony or Treaſon is to be allowed, unleſs a matter of Law happen, or upon the Indictment, or upon Plea of the Defendant, or upon Evidence, and in ſuch Caſes the Priſoner may have Counſel, but not otherwiſe.

The

2 *Caroli.*

The Lords by Order referred to the Juſtices this Queſtion; *Whether the King may be a Witneſs in caſe of Treaſon?* Secondly, Admit that this be for Treaſon done, when he is privy: *Whether in this caſe he may be a Witneſs, or not?* and before the Reſolution, this Meſſage and Command came from the King to the Juſtices, that in this general Queſtion they do not deliver any opinion; but if any point come in particular, they upon mature deliberation may give their advice. And this was declared by the Cheif Juſtice in the Upper Houſe of Parliament, and the ſaid Matter ſurceaſed.

Sitting this Parliament, the Duke of *Buckingham* was deputed Procurator by ſeveral Peers, whoſe Votes on any occaſion, he had power to make uſe of, *viz.* By the Earls of *Bath, Exeter, Cumberland, Northumberland,* Lord *Teinham, Colcheſter, Tunbridge, Evers, Darcy, Meynel, Noel, St. John* of *Baſing, Manſfield,* and *Roberts.* Whereupon the Houſe of Peers made an Order, That after this Seſſion, no Lord of this Houſe ſhall be capable of receiving above two Proxies, nor more to be numbred in any Cauſe voted.

About a fortnight after, the Charge was given in againſt the Earl of *Briſtol,* the Earl gave in his Anſwer, which we have choſen to inſert here for the Readers more conveniency, though a little out of time. And having the Anſwer in his hand, ready to deliver to their Lordſhips, he did crave leave, that by way of Introduction he might ſpeak a few words, and began thus.

The Earl of *Briſtols* Speech by way of Introduction, before he gave in his Anſwer.

"I Am not inſenſible upon what diſadvantages I come to tryal in this "Cauſe: For firſt, I am faln into his Majeſties heavy diſpleaſure, and "am to encounter with a potent Adverſary highly in favor, and am "accuſed for Treaſon; for which, all Counſel and Friends abandon me "as a man infected with the Plague; I am become bound and under re"ſtraint, whereas a man who is to encounter for his life and honor, and "with a ſtrong Adverſary, had need to come upon equal terms.

"But as to the Matter, I finde my ſelf charged with divers Articles of "High Treaſon; but looking into them with the eyes of my beſt under"ſtanding, with the opinion alſo of my Council lately aſſigned me, and "taking them apart one Article from another, I finde not any thing in "them like Treaſon, or that hath ſo much as the ſhew or countenance of a "fault, either in act or words; onely by laying all things together, and by "wreſting the wreſts with a ſtrained Conſtruction, directly contrary to "the true ſence and meaning of them, and the occaſion whereupon they "were ſpoken, it is informed, and that by way of inference onely, "That the intent was evil, and the matter to prove the intent to be evil, "depends upon two props, *viz.* Ill affection to Religion, and too much "affection to *Spain*; which if I ſhall clear, the Inference grounded upon "theſe props, will fall of it ſelf.

"Therefore I crave leave of your Lordſhips, before I give my An"ſwer to the Charge, that I may give you an account of theſe two par"ticulars; and I humbly beſeech you, that what I ſhall ſpeak in my "juſt defence, may not be conceived to proceed of vain oſtentation.

"And firſt for Religion, I was in my Childhood bred in the Pro"teſtant Religion, and rather after the ſtricter manner then otherwiſe. "When I grew in years fit, I travelled into *France, Italy,* and *Rome* it

An. 1626.

"ſelf: In all which Travels, I can produce ſome that I conſorted "withal, who will witneſs with me, that I ever conſtantly uſed the Re- "ligion I profeſſed, without the leaſt prevarication; no man being able "to charge me, that ſo much as out of curioſity I ever was preſent at "any of the exerciſes belonging to the *Roman* Religion, or did the leaſt "act of Conformity to any of their Rites or Ceremonies.

"Secondly, After my return home I was received into the ſervice of "his late Majeſty of Bleſſed Memory, whom I ſerved ſome years as a A "Gentleman of his Privy Chamber, and Carver; in which time, none "of his Majeſties Servants received the Holy Sacrament, frequented Ser- "mons, and other exerciſes of our Religion, more then I.

"Thirdly, In that time of my youth, not to avoid idleneſs, but "out of affection to Religion, I tranſlated that excellent Book of our "Faith, and great Points of our Religion, Written by Monſieur *Mou-* "*lins*; which his late Majeſty having ſometimes after ſeen, approved ſo "well, that he would needs have it Printed; which accordingly was B "Printed in the name of Mr. *Sampford*, my Chaplain, to whom I gave "the honor: But it was my own act, as Mr. *Sampford* will not deny, "though to this hour I had never before ſpoken of it.

"Fourthly, About Seven or eight and twenty years of my age, I "was employed Ambaſſador into *Spain* in that great buſineſs of the "Treaty of the Marriage; and whereas others before me, carried with "them but one Chaplain, I had two, *viz.* Mr. *Sampford* and Mr. *Boſwel*; "and at my arival at the Court of *Spain*, I cauſed it to be publiſhed, that C "ſuch a day (God willing) I purpoſed to have a Communion, to the end "that ſuch Engliſh as were in the Town, might reſort thither. Whereat "the Duke *De Lerma* and other the great Miniſters of *Spain* took offence, "and told me they might well perceive I brought no good affection to "the buſineſs I came about, that would ſo publickly and avowedly in "that Court, where never the like was done, proclaim there a Commu- "nion; and with high expreſſion perſwaded me to decline it. Where- "unto I anſwered, I came to do my Maſter ſervice, which I would hearti- D "ly and effectually endeavor, but would not omit my ſervice to God, no "though my Maſter commanded. And at the Communion there were "preſent One hundred perſons, ſome of them Brothers, Kinſmen, and "near dependence upon ſome of their Lordſhips, whom I ſee there in "my eye. This I did in *Spain*; the like I did in *Germany* in the Empe- "rors Courts in his Ambaſſage thither.

"Fifthly, I had in my ſeveral employments into *Spain* and *Germany* "above Five hundred perſons of all qualities attending upon me, and E "never one perverted in Religion: My Children carefully inſtructed and "bred in the ſame Religion. I had conſtantly every Sabbath a Sermon "in my Houſe, and Sacraments, and other exerciſes of our Religion fre- "quented.

"Sixthly, A foul-mouthed *Shimei* railed againſt our late King and "Religion in *Spain*; how I cauſed that to be revenged by a near Kinſman "of my own, is well known.

"Seventhly, One of the Engliſh dying in the Town of *Madrid*, of F "whoſe Religion there was ſome queſtion made; and the Kings Chap- "lains telling me that they at the day of his death had been with him, "and taken an accompt of his Faith, and that he died a Proteſtant: I "cauſed him to be brought home to my Houſe, and there buried accord- "ing to our Rites; whereat much ado was made, and it was threatned,

"that

2 Caroli.

"that the Inquisitors and other Officers would come, and fetch him out,
"and bury him after their manner: I stood upon it, and that it was the
"King of *Englands* House, and openly protested, that whosoever should
"come thither with such intent, I would shoot at him with a Peece; and
"exhorted all my people, That if such an attempt should be, they should
"rather then suffer such a dishonor to our Religion, die with me in that
"quarrel, and hoped such English as were in the Town would do the like.

A "Eighthly, There having been a Monastery for English Jesuites,
"founded and setled at *Madrid* before my coming thither, and the English
"Arms set up, I labored to suppress it, and having written thereof to
"the late King, his Majesty advised me not to run my Head against the
"Rock; for it was an impossible thing for me to do: Yet I undertook it,
"and it pleased God so to bless my endeavors, That I absolutely dissolved
"and overthrew it. For which, the Bishop of *Winchester*, *Montague* (now
"with God) wrote unto me by his Majesties direction, a Letter of his Ma-
B "jesties gratious acceptance of so great a Service, telling me, Besides the
"service I had done to the Church and Commonwealth, it should remain
"a Trophy of Honor to me and my Posterity for ever: And the King
"himself with his own hand wrote unto me, beginning his Letter, *Good*
"Fortune Digby, *your good luck in your Service well deserves that stile.*

"Ninethly, In all Negotiations in *Spain*, in point of Religion, I
"ever straightned my Instructions.

"Tenthly, The Match with *Spain* was not moved by me, I ever ad-
C "vised a Protestant Match, and shewed many Reasons both of Conscience
"and State; but if with a Catholick, then rather with *Spain* then *France*,
"so as good Conditions might be made for Religion; as appears by a
"Letter I wrote and delivered to the Prince, at his first going upon the
"employment; for which I had like then to have been ruined for being a
"*Puritan*, as I am now for being a *Papist*, and all by one and the same hand.

"Eleventhly, And I appeal to the Testimony of Dr. *Mason* and Dr.
"*Wren*, the Kings Chaplains with me in *Spain*, and to Mr. *Sampford*,
D "Mr. *Bosvel*, and Mr. *Frewen*, my own Chaplains there. And that such
"Papists as have been my antient Acquaintance and Friends, being men
"of worth, well known to many of their Lordships, may be examined
"upon Oath, Whether I have not in all places as well in *Spain* as in *Eng-*
"*land*, and at all times upon fit occasions, avowed my self a Protestant,
"without the least prevarication: Or whether I did ever any the least act
"that was not suitable to the same Profession: And that Mr. *Frewen*, Mr.
"*Wake*, my own Chaplains, may give their Testimonies, whether in the
E "time of several dangerous sicknesses which I had of late years falu into,
"I have not in the time of such my sicknesses (when no man can be sup-
"posed to dissemble with the World, being ready to leave it) made before
"them a Confession of my Faith, and made my Peace with God, resol-
"ving to die as befitted a Protestant, and good Christian. This I tell
"your Lordships, was my Religion I was bred in, have ever professed
"and lived in, and was resolved, by Gods Grace to die in; and yet was
"so unhappy by reason of employment, to be distasteful to many good
"men, that I have been suspected even by them, not well knowing me:
F "And this hath been the rise the Duke hath now taken against me. Then
"for my love to *Spain*, I wonder from whence that opinion should grow,
"since I was there hated and shamed, as the man whom of all others
"they desired to have the least to do withal; having stood ever stricter
"in point of Religion, then by my Instructions I might have done, as

An. 1626.

"after the Capitulation concluded on, they understood by some intelli-
"gence, which caused their hatred towards me.

"Sure I am, I shewed it not by the service I did them; for divers
"years together there was not a Letter sent by that King to any other
"State, that the King my Master had not a Copy of before, or by that
"time it came to the place whither it was directed. There was not any
"great action on foot, whereof I had not the private Instructions, and
"sent them hither; not any expedition by Sea or Land, wherein I had A
"not some Ministers or Intelligencers, that gave me from time to time
"Advertisement of their Actions, and most private Intentions, whereof
"I advertised his Majesty from time to time. I used such industry as to
"get all the Papers of that Kings private Cabinet into my hands; took
"Copies and Notes of such of them as I thought useful; and upon every
"of them, set my private mark before they were conveyed back again, to
"the end, that if I should have had an occasion to have charged him with
"any thing mentioned in the same Papers, I might have let him see I B
"knew it, by telling him in what Paper it was, and marked with such a
"mark.

"There was not a Port in *Spain* that I had not caused the depth of it
"to be sounded, nor a Fort whereof I knew not the strength, both for the
"Garison, Munition, and other matters of advantage and disadvantage;
"insomuch as if it should please the King to appoint a Committee of
"the Lords to take accompt of me, I should by the stores I gathered
"there, and brought with me, make it appear I was as useful a Servant to C
"His Majesty in a War, as in Peace. Whereas at his Majesties coming
"out of *Spain* the powers for the *Desponsories* were to be deposited in
"some mans hands; and the Duke upon pretence of doing me honor,
"but intending to break my Neck by it, moved, they might be left with
"me; and the King of *Spain* was contented; and so they were put into
"my hands, not as an Attorney onely for the Prince: But the King of
"*Spain* having taken the substitution of them by his Secretary of State
"entred in Legal form; whereby that King was then become interessed D
"in them by their occupation, as well as the Prince by granting of them.
"And becoming the *Instrumentum stipulatum*, wherein they were both
"interessed, they were deposited in my hands, as an indifferent person
"trusted between the King of *Spain* and the Prince, with a Declaration
"of the Trust. And now the Duke was returned out of *Spain*, he plot-
"ted my ruine, and put it in execution in this manner. He concealed
"that the powers were to expire at *Christmas*, and procured his Majesty
"to write a Letter, (not a direct Commandment) but expressing a desire E
"that the *Desponsories* should not be till one of the days in *Christmas*, in-
"tending thereby to draw me into a *Dilemma*, That if I proceeded in
"the Match, this Letter should, as now it is, have been inforced against
"me, as a breach of Instructions: If I had not proceeded, then I had
"broken my trust between the Prince and King of *Spain*, overthrown
"the Marriage so long sought and labored, it being the main scope of
"my Ambassage, contrary to express Warrant, and that upon a Letter
"I must needs know to be a mistake. And when I had written into *Eng-* F
"*land* to have a direct Warrant in the point, the Duke then seeing that
"Plot would not take, he dealt with divers great Lords, as was well known
"to some of their Lordships there present, to have me upon my arival
"in *England*, committed to the *Tower*, before I should ever come to speak
"with the King; which the Spanish Ambassador here in *England*, having

"gotten

2 Caroli.

"gotten private notice of, gave advertiſement thereof to that King:
"Who thereupon foreſeeing my danger, and conſulting with his Council,
"and Divines, what were fit for him in Honor and Conſcience to do in
"that Caſe, they reſolved, That ſeeing my Sufferings grew by being an
"honeſt man, and endeavoring to perform the truſt repoſed in me by that
"King as well as the Prince; That King was bound both in Honor and
"Conſcience, not onely to preſerve me from ruine, but to make me a
A "reparation for any loſs I ſhould ſuſtain by occaſion of the Truſt: Where-
"upon at his departure, going to Court to take his leave, the *Conde de*
"*Olivares* told me what was plotted againſt me in *England*; and in re-
"ſpect of the danger, by reaſon of the greatneſs of my Adverſary, per-
"ſwaded me to ſtay there; and in his Maſters Name made an offer, not
"in ſecret, but in the preſence of Sir *Walter Aſton*.

Here he repeated thoſe offers of Reward, Honor, and Preferment, which we have mentioned before in order of time, and at preſent paſs it
B by; he then proceeded and ſaid,

"Upon what grounds and hope came I to encounter with thoſe dan-
"gers? Not upon hope of my greatneſs in Court, and ſtrength of Friends,
"there to bolſter out an ill Cauſe; no ſure, my ſtrength was too weak,
"and my adverſaries too powerful: But I knew my Conſcience was clear,
"and my Cauſe was good, and truſted in God Almighty. And to him
"now, and to their Lordſhips judgments, recommended my ſelf, and my
"Cauſe.

C And then he delivered his Anſwer, deſiring their Lordſhips it might be after Recorded in Parchment, that it might remain to poſterity; which being read by one of his Council, the *Lord Keeper* asked him, Whether he deſired to ſay any more then he had done? he anſwered, That he had ſomething more to ſay, but knew not the order, or whether Mr. *Attorney* would ſpeak firſt; but he being deſired to ſpeak, He deſired their Lord-
ſhips he might put them in minde of what he conceived they had already promiſed, which was, That the Duke whom he accuſed in that Houſe of
D far higher offences then any, with which he was charged, might be proceeded with as he was, and that they might be upon equal Conditions. And that ſuch heads as he had delivered againſt the Duke, being of ſuch Matters as he met withal in his Negotiation as an Ambaſſador; and which he had according to his duty acquainted the State withal; might by their Lordſhips care and order be put into Legal form, and proſecuted; for ſo was the uſe when he had the honor to ſit at the Council Table. He ſaid, He conceived he had already done his part to inform, and would be
E ready to make it good, it concerning their Lordſhips to ſee it proſecuted, it not being to be expected that he ſhould ſolicit it; or if he would, he could not, being under reſtraint. And he deſired likewiſe, that the Judges might deliver their opinions, Whether the matter charged againſt him, were Treaſon; that if it ſhould not ſo be in their opinions, he might not lie under ſo heavy a burthen.

He put their Lordſhips in minde, that it was a ſtrange manner of pro-
F ceeding, that upon a diſpleaſure, a Peer of the Kingdom complaining of thoſe that had practiſed againſt him, and had been the cauſers of his Suf-
ferings, ſhould then, and never but then, be charged with Treaſon. He told them it was not his caſe alone, but it equally concerned them and their Poſterity, and it might be ſome others hereafter, more then him now; For he ſaid he thanked God he had ſome experience in the World, and thereby and by thoſe things he had kept, was able to make his innocency

appear,

An. 1626.

appear, which perhaps would not be every mans hereafter; and so many an honest heart in a good cause distracted with fears, and abandoned of Friends, might perish through the malice of a potent Adversary.

The Lords again asked him whether he had any thing more to say; he answered No, but desired leave onely to explain himself in two things; one in his Speech now spoken, and the other when he was first brought to the House. That in his Speech this day, was, where he affirmed he had like to have been ruined in his Negotiation: First, For being a *Puritan*, and now for being a *Papist*, and both by one hand; he explained it to be by the hand of the Duke of *Buckingham*. And the other when he first came to the House, saying there, For Redress of former sufferings, and meeting on the sudden with Treason charged upon him, he spake in Passion, expressing the Wrongs and Injuries done him by the Duke; and told their Lordships, he had used means to convey part of his Sufferings to the late King his Master, who in the Dukes hearing, sware he would (after he had heard the Duke against him) hear him also against the Duke; for which his Majesty suffered much, or to some such purpose. Now he understandeth this Speech to reflect upon what was in Agitation in the Lower House; but he said, although he could not well excuse the Dukes indiscretion in that point; yet he spake it not any ways to corroborate that opinion; For howsoever the Duke were his enemy, yet he could not think so dishonorably of him.

A

B

The Answer of the Earl of Bristol *to the Articles of several High Treasons, and other great and enormous Crimes, Offences, and Contempts, supposed to be committed by him against our late Sovereign Lord King* James *of Blessed Memory, deceased, and our Sovereign Lord the Kings Majesty that now is; wherewith the said Earl is charged by his Majesties* Attorney-General, *on his Majesties behalf, in the most High and Honorable Court of Parliament, before the King and the Lords there. And not acknowledging any the supposed Treasons, Crimes, Offences, and Contempts, wherewith he is charged in, and by the said Articles to be true; and saving to himself all advantages, benefit, and exception, to the Incertainty and Insufficiency of the said Articles, and of the several Charges in them contained: And humbly prayings that his Cause may not suffer for want of Legal form, whereunto he hath not been used, but may be judged according to such real and effectual Grounds and Proofs, as may be accepted from an Ambassador (the ground of the Charge growing thence) and that he may have leave to explain himself, and his own meaning in any thing that may seem of a doubtful Construction. For Answer, saith as followeth.*

C

D

E

His Service to the *Palatinate* when he was Ambassador to the Emperor.

I. THe First Article he denieth; and because the Matters contained in the said Article consist of several parts, *viz.* The loss of the said *Palatinate*, and the March with the said Lady of *Spain*, and of the several Employments; as of one Extraordinary Ambassage to the Emperor, and another to the King of *Spain*, in the years 1622. 22. and 23. He humbly craves leave of this most Honorable Court to separate the businesses, and distinguish the times.

F

And beginning with the *Palatinate* first, to give an account of his Ambassage to the Emperor, and so to make as brief a Deduction as he could of the whole carriage in that business, from the beginning of his employment to the time he left it in his Ambassage to the Emperor, he propounded all things faithfully according to his Instructions, and the

Answers

2 Caroli.

Answers which he returned to his late Majesty of Blessed Memory, were the very same and no other, then such as were given by the Emperor under his Hand and Imperial Seal; the which, according to his duty, he faithfully sent unto his said Majesty, and withal did honestly and truly advertise his said Majesty what he understood and thought then upon the place; but was so far from giving to his Majesty any ill-grounded hopes in that behalf, that he wrote unto the Lords of the Council here in *England* from *Vienna*, 26 *July*, 1624. in such sort as followeth.

A

I Am further to move your Lordships, That there may be a Dispatch made presently into Spain *to his Majesties Ambassador, and Mr.* Cottington, *that they deal effectually for the repairing and ripening of the business against my coming; that they use some plain and direct Language, letting the Ministers there know, That the late Letter sent by the King of* Spain *to the Emperor, was colder and more reserved then his Master had reason to expect. I shall conclude*

B

with telling your Lordships, That although I dispair not of good success in that knotty business, yet I hope his Majesty and your Lordships, lay not aside the care of all fitting preparations for a War, in case a Peace cannot be honorably had. And amongst other things, I most earnestly commend unto your Lordships, by your Lordships unto his Majesty, the continuing yet abroad for some small time of Sir Robert Mansels *Fleet upon the Coasts of* Spain; *which, in case his Majesty should be ill used, will prove the best Argument we can use for the Restitution of the* Palatinate.

C

And this his Advice, he saith, was wholly intended by his Actions, by being the cause as he returned homeward out of *Germany*, to bring down Count *Mansfield*, whereby the Town of *Frankendale* was relieved by supplying of his Majesties Army then in great distress, with Moneys and Plate, to the value of 10000 l. meerly out of his zeal and affection to the good of the King and his Children, having no Warrant or Order, but that his heart was ever really bent in effects more then in shews, to

D

serve the Kings Son-in-law and his cause, as by the discourse of this business will appear. And how acceptable these Services were, will more appear by the Letters of the Queen of *Bohemia*, in these words following.

My Lord,

E

HAving understood from Heidelburgh, *how you have shewed your affection to the King and me in all things; and in the help of Money you have lent our Soldiers; I cannot let so great Obligation pass, without giving many thanks for it by these lines, since I have no other means to shew my gratefulness unto you: Howsoever assure your self that I will never be forgetful of the Testimonies you give me of your love, which I intreat you to continue, in doing the King and me, all good Offices you can to his Majesty. You have*

F

been an eye-witness of the miserable estate our Countreys are in; I intreat you therefore to solicite his Majesty for our help, you having given me an assurance of your affection. I intreat you now to shew it in helping of us by your good endeavors to his Majesty, and you shall ever binde me to continue as I am already

Your very affectionate Friend

ELIZABETH.

Which

An. 1626.

Which Letters were ſeconded with others about the ſame time, both from the King of *Bohemia* and Council of *Heidelburgh*, to the ſame effect: And how much ſatisfaction his late Majeſty received in that behalf, and touching that buſineſs, will plainly appear ſeveral ways, and particularly by his Speech in Parliament. And the ſaid Earl likewiſe appealeth to both Houſes of Parliament, to whom by his late Majeſties Order, he gave a juſt and true accompt of that employment, with what true zeal he proceeded; and how he preſſed, that ſingle Treaty and Promiſes no longer be relied on, but that a fitting preparation for War might go along hand in hand with any Treaty of Accommodation. And for a concluſion, among many of his late Majeſties approbations of his carriage in this employment, he humbly deſireth that a Letter of the Duke of *Buckinghams* under his own hand, bearing date the Eleventh of *October*, 1621. may be produced, being as followeth.

A

B

My Lord,

I Am exceeding glad that your Lordſhip hath carried your ſelf ſo well in this employment, that his Majeſty is infinitely pleaſed for your Service you have done; for which he commanded me to give your Lordſhip thanks in his Name, until he ſee you himſelf. You of all men have cauſe to commend his Majeſties choice of ſuch a man, that unleſs your heart had gone with the buſineſs, you could never have brought it to ſo good a paſs. Amongſt other things, his Majeſty liketh very well the care of clearing his Honor, whereof he will adviſe further with your Lordſhip at your next coming over. I hope you will not finde your Negotiation with the Infanta *of ſuch difficulty as you ſeem to fear in your Letter, ſeeing my Brother* Edward *hath brought with him a Letter from his Majeſties Son in Law, whereby he putteth himſelf ſolely to his Majeſties Advice and pleaſure for his Submiſſion, as you will perceive by the Copy of the Letter it ſelf, which I here ſend your Lordſhip; wherein though there be many things impertinent, yet of that point you may make good uſe for the accompliſhment of the buſineſs, wherein I have written to the Spaniſh Ambaſſador to uſe his Means and Credit likewiſe, which I aſſure my ſelf he will effectually do, eſpecially ſeeing the impediments are taken away by Count* Mansfields *Compoſition, and the Conformity of his Majeſties Son in Law to this Submiſſion. For the Money your Lordſhip hath ſo ſeaſonably laid forth, his Majeſty will ſee you ſhall ſuſtain no loſs, holding it very unconſcionable you ſhould ſuffer by the care of his Service; which you have ſhewed ſo much to his contentment, to the great joy of your Lordſhips faithful Servant.*

C

D

E

Geo. Buckingham.

His Service to the *Palatinate* before his Ambaſſie to the Emperor.

Having given this Accompt of his employment with the Emperor, he humbly craveth leave to make it known in what ſort before this his employment he endeavored to ſerve the Prince *Palatine* and his Cauſe, which will beſt appear by his Majeſties own Teſtimony, upon the going of Sir *Francis Netherſole* to the Prince *Palatine*; at which time his Majeſty being out of his Royal and juſt heart, deſirous to do a faithful Servant right, commanded Sir *Francis Netherſole* to let the Prince *Palatine* underſtand how good a Servant the ſaid Earl had been unto him, and how active

F

2 *Caroli.*

Active in his Affairs, as will beſt appear by a Diſpatch of Sir *Francis Netherſole*, written all with his own hand to Sir *George Calvert*, dated in *Prague Auguſt* 11. 1620, and ſent by his late Majeſty to the ſaid Earl for his comfort, being as followeth.

Right Honorable,

A *That you may be the better aſſured, that I have neither forgotten nor neglected the Commandments received from his Majeſty by your Honor; you will be pleaſed to have the patience to hear me report what I ſaid to this King upon the delivery of my Lord Deputies Letters to his Majeſty; which was, That the King my Maſter, whoſe Juſtice is ſo renowned over the World, did uſe to ſhew it in nothing more then in vindicating his Servants from wrongfull Opinions, whereof he knew noble hearts more ſenſible then of Injuries done to*
B *their Perſons or Fortunes; That out of his Royal Diſpoſition his Majeſty having found my Lord* Digby *miſtaken by ſome of his own people at home, by occaſion of his being by him employed in the Affairs with* Spain, *having thereupon conceived a jealouſie that the ſame noble Lord might be alſo miſreported, hitherto his Majeſties hands in that reſpect gave me a particular commandment to aſſure his Majeſty, he had not a more truly affectionate Servant in* England: *And for proof thereof, to let his Majeſty underſtand, That whereas the Baron of* Doncaſter, *now his Majeſties Ambaſſador for*
C England, *had ſince his coming hither obtained but three great Boons for his Majeſties ſervice; viz. The Loan of Money from the King of* Denmark, *the Contribution in* England *of the City and Countries, and the ſending Ambaſſadors to the contrary parties, that my Lord* Digby *had been the firſt propounder of all thoſe to the King my Maſter, before his Majeſties Ambaſſador, or any other of his ſervants in* England; *although his Lordſhip were contented that others who were but ſet on ſhould carry away the thanks and prayers, becauſe his Lordſhip being known to be the firſt mover therein might poſſibly*
D *weaken the credit he hath in* Spain, *and to render himſelf the more valuable to ſerve both his own Maſter and his Majeſty; in which reſpect I humbly prayed his Majeſty to keep this to himſelf.*

By which teſtimony it may appear, as the ſaid Earl conceiveth, how he the ſaid Earl beſtowed himſelf before his Ambaſſage, and in his ſaid Ambaſſage with his ſaid late Majeſties approbation thereof. Now he humbly craveth leave to give your Lordſhips accompt how he proceed-
E ed after his return from the Emperors Court.

Aſſoon as he came into *England*, he diſcovered unto his Majeſty and the Lords of the Councel, in what great wants he had left the Forces in the *Palatinate*, and ſollicited the preſent ſending away of money; thereupon Thirty thouſand pound was borrowed of Sir *Peter Vanlore*, Sir *Baptiſt Hicks*, and Sir *William Cortine*, and preſently ſent unto the *Palati-*
F *nate*, beſides the Ten thouſand pounds which he lent for which he paid the intereſt out of his Purſe for ſix moneths, having alſo given not long before Five hundred pounds by way of benevolence to the ſervice of the ſaid *Palatinate*.

Now in the interim betwixt his return from the Engliſh Coaſts, which was in *November* 1621, and his going into *Spain* in *May* 1622, he firſt

An. 1626.

gave his Accompt as aforesaid of his Ambassage to both Houses of Parliament, and moved them as effectually as was possible for the supplying of his Majesty, and that the money might wholly be imployed for the Succor of the *Palatinate*.

The Parliament being dissolved, he sollicited with great care and industry the setling of some Course for the supplying of the *Palatinate*, and his Majesty was perswaded to maintain Eight thousand Foot and Sixteen hundred Horse under his own Standard, and at his own purse in the *Palatinate*, to establish a certain course for due payment of the said Army: The Lord *Chichester* was upon the said Earls motion sent for out of *Ireland*, and the said Earl by his Majesties command took order for his Dispatch. In this estate the said Earl left his Affairs at his departure towards *Spain* in *May* 1622, nothing doubting but that all things would have effectually and constantly been pursued, according to the order which was setled and resolved on at his departure.

His arrival in *Spain* and behavior there.

At his arrival at the Court of *Spain* he presently proceeded according to his Instructions, pressing the business of the *Palatinate* as effectually as he could, and faithfully labored and effected from time to time (as far as to the point of Negotiation) all particulars that were given him in charge, as it will appear by his late Majesties Letters upon every particular occasion; and if by the accidents of War for that Summer, the Marquess of *Baden*, the Count *Mansfield*, and the Duke of *Brunswick* received each of them an overthrow, (the ordering of whose Affairs his Majesty so far complained of to his Son-in-law, as to give order for the withdrawing of his Forces, as will appear by his Majesties Letters on the third of *June* 1622, and also by his Letters unto Sir *Horace Vere*, and the Lord of *Chichester* of the same date, if there were not a speedy redress) if by any of those accidents those businesses have miscarried, the said Earl hopes he shall not be liable to the blame, it having no relation to him, or to his imployment, having so far and so honestly with his best affections imployed his care and utmost services in the businesses, as his Majesty was pleased by many several Letters upon several Actions to signifie his gracious acceptance of his service, as in his Letters of *November* 24. 1622. written as followeth; *Viz.*

Your Dispatches are in all points so full, and in them we receive so good satisfaction, as in this we shall not need to inlarge any further, but onely tell you, we are well pleased with this diligent and discreet imployment of your endeavors, and all that concerneth our service; so are we likewise with the whole proceedings of our Ambassador Sir Walter Aston. *Thus we bid you heartily farewel.*

Newmarket, Novemb. 24. 1622.

And afterwards his Majesty was likewise pleased in his Letters of 8 *January* 1622. a little before our gracious Soveraign Lord the King, then Prince, his coming into *Spain*; *Viz.* as followeth.

Concerning that knotty and unfortunate Affair of the Palatinate, to say the truth, as things stand, I know not what you could have done more then you have done already.

And whereas it is objected, the *Palatinate* should be lost by the hopes he the said Earl gave by his Letters out of *Spain*, it is an Objection of impossibility; for there was nothing left but *Mainheim* and *Frankendale* when his first

2 *Caroli.*

first Letters out of *Spain* could possibly come to his late Majesties hands; for he did not begin to Negotiate that business until *August* 1622. and about that time *Heidelberg*, and all but *Mainheim* and *Frankendale* was lost; and *Mainheim* he had saved by his industry, had it not been so suddenly delivered, as is by his Majesty acknowledged by Letters of 24 *November* 1622. written thus; *Viz.*

A *And howsoever the Order given to the Infanta for the relief of* Mainheim *arrived too late, and after the Town was yielded to* Tilly; *yet must we acknowledge it to be a good effect of your Negotiation, and an Argument of that Kings sincere and sound intention.*

And *Frankendale* being by the said Earls means once saved, was again the second time saved meerly by the said Earls industry; and procuring a Letter from the King of *Spain*, dated the second of *February* 1623. whereupon followed the Treaty of Sequestration, which hath since continued. B And he the said Earl was so far from hindring Succors by any Letter or Counsel of his, that he was the Sollicitor, and in great part the procurer of most of the Succors that had been sent thither, as is formerly set down. And when his Royal Majesty that now is, and the Duke of *Buckingham* arrived at the Court of *Spain*, they found the Business of the *Palatinate* in so fair a way, that the Spanish Ministers told them, the King should give his late Majesty a Blank, in which we might frame our own C Conditions; and the same he confirmeth unto us now; and the like touching this Blank was likewise acknowledged by the Duke of *Buckingham* in his Speech in Parliament, after the return of his Majesty out of *Spain*. And it will appear by the Testimony of Sir *Walter Aston*, and by his and the said Earls Dispatches, that the said Earl wanted not industry, and zeal in the business; insomuch as the last Answer the said Earl procured herein from the King of *Spain*, was fuller then he the said Earl was ordered by his late Majesties latest Letters to insist upon. So as by that D which hath been alledged, the said Earl hopeth your Lordships will be satisfied, not onely that he wanted neither will nor industry, but that he hath with all true zeal and affection, and with his own means faithfully served their Majesties, and the Prince *Palatine* in this Cause: And for assurance in that Affair, he had all that could be between Christian Princes; and if in the said Assurances there hath been any deceit, as by the said Article is intimated, which he never knew nor believed, he referred it to God to punish their wickedness: For betwixt Princes there can be E no greater Tye then their Words, their Hands, and Seals, all which he procured in that behalf; and both the said Earl and Sir *Walter Aston* were so confident that the business would be ended to his late Majesties satisfaction, that in a joynt Dispatch to his late Majesty of 24 *November* 1623. after his now Majesties return into *England*, they wrote as followeth; *Viz.*

F *We hope that your Majesty may, according to your desire signified to me the Earl of* Bristol *by the Letters of October* 8, *give to your Majesties Royal Daughter this Christmas the comfortable news of the near expiring of her great troubles and sufferings, as unto the Prince your Son the congratulation of being arrived to a most excellent Princess.*

An. 1626.

And having thus given your Lordſhips an Accompt of his Proceedings touching the *Palatinate*, he will by your Lordſhips good favors proceed to the other part of that Charge concerning the Marriage.

His carriage concerning the Match.

And firſt touching his hopes and aſſurances that he is charged to have given to his late Majeſty and Miniſters of State here in *England*, of the *Spaniards* real proceedings in the ſaid Match, when he ſaid he knew they never meant it: He ſaith, he never gave any hopes of their real proceedings, but ſuch, and the very ſame that were firſt given to him, without adding or diminiſhing; neither could he have done otherwiſe either with honeſty or ſafety. And he further ſaith, That the hopes he gave were not upon any Intelligence; but as well in that of the *Match*, as the other of the *Palatinate*, his Advertiſements were grounded upon all the Aſſurances both of Words and Writing, that could poſſibly paſs between Chriſtians; as will be made evidently appear by his Diſpatch of 9 *September* 1623; which he humbly deſires may be read, if the length of it may not diſpleaſe. The ſubſtance being to ſhew all the Engagements and Promiſes of the King of *Spain*, that he really intended the Match. And the cauſes why the *Conde Olivares* pretended to the Duke of *Buckingham*, that the Match was not formerly meant, was onely thereby to free himſelf from Treating any longer with the ſaid Earl, to the end that he might treat for larger Conditions in point of Religion with the ſaid Duke: The ſaid *Conde Olivares* taking advantage of having the Perſon of his Majeſty, then Prince, in his hands. And with this Diſpatch the ſaid Earl acquainted his Majeſty that now is, in *Spain* before he ſent it.

And by this Diſpatch the Earl doubteth not but that it will appear to this Honorable Court, that whileſt the Treating of this buſineſs was in hand, he proceeded in that, not onely with care and induſtry, but with ſome meaſure of vigilancy. And for clearing an Objection that hath been alleadged, that the Match was never meant before the Dukes coming into *Spain*, nor after; the Earl craveth leave to ſet down ſome few Reaſons of many, which cauſed him to believe that the ſaid Match was, and had been really meant, and that it was ſo conceived by both their Majeſties, and the King of *Spain*, and their Miniſters on both ſides.

Means to ſhew that the Match was intended by the Spaniard.

For firſt, The Duke of *Buckingham* certified his late Majeſty, that the buſineſs of the Marriage was brought to a happy Concluſion; whereupon his late Majeſty was pleaſed to give order to the Duke and Earl to proceed in the Buſineſs, which his ſaid Majeſty would not have Treated till the ſaid Marriage was concluded, as will appear by a Letter of his ſaid late Majeſty joyntly to the Duke of *Buckingham* and the ſaid Earl, of the 23 *July*, 1623.

Secondly, It will appear by Letters of the ſaid Lord *Conway* to the Duke of *Buckingham*, bearing date *September* 4. 1623. That the ſaid Duke had good aſſurance of the Concluſion of the ſaid Match; and upon this confidence were all things put in due execution in *England*, as had been Capitulated; And the Lord *Conway* and others faithfully agreed, and ſetled all the Points of Immunity and Liberty for the Roman Catholicks, for the uſe of their Religion, as was ſet down in the Declaration, *Auguſt* 9. 1623. hereafter mentioned in the Anſwers to the Fifth Article of this Charge.

Thirdly, the very day his now Majeſty and the Duke of *Buckingham* departed from the *Eſcurial* in *Spain* towards *England*, the ſaid Duke ſolemnly

2 *Caroli.*

ſolemnly ſwore the Treaty of the ſaid Marriage, and the furtherance of it all that ſhould be in his power, upon the holy Evangeliſts, in the preſence of the ſaid Earl and Sir *Walter Aſton.*

Fourthly, The Treaty of the ſaid Marriage had been formerly ſigned, ſealed, and ſolemnly ſworne by the King of *Spain:* And when his Majeſty and that King took their leaves, he did ſolemnly in the words of a King faithfully and punctually proteſt to perform all that had been capitulated in the Treaty of Marriage; and thereupon imbraced his Majeſty at his departure, and ſent the very next day a Letter written all with his own hand to his Majeſty, vowing and proteſting to make all good that he had capitulated or promiſed unto his Majeſty at his departure the day before. So that if there were no true meaning on the part of *Spain* to make the Marriage, as by Mr. Attorney is pretended, yet certainly the Earl hath not been ſleightly deceived; neither can it be, as he conceiveth, any fault in him, ſince not only his late Majeſty, but alſo his Majeſty that now is and the Duke of *Buckingham* being then both upon the place, did confidently believe, and that upon other grounds then miſinformations, ſuggeſtions and perſwaſions of the ſaid Earl, that the Marriage was really intended: And to that effect both his late Majeſty of bleſſed memory, and his moſt Excellent Majeſty that now is, after his return into *England*, wrote unto him the ſaid Earl ſeveral Letters, aſſuring him that their intents and pleaſures were to have the ſaid Match proceeded in, and thereupon the Proxies of his Majeſty then Prince were again inrolled and ſent unto the ſaid Earl. So that the ſaid Earl having ſo many, and ſo great cauſes to be aſſured that the Match was really intended on both ſides, he conceiveth it will be hard for Mr. Attorney to make good that part of his Charge, wherein he affirmeth that the Earl ſhould know the contrary, or the Aſſurance to be upon falſe grounds, as in the ſaid Article is alleadged.

II. To the Second Article, He directly denieth all the ſuppoſed Offences wherewith he ſtands charged by the ſaid Article. And for a clear declaration and manifeſtation of the truth and manner of his proceedings, He ſaith,

Firſt, as to the continuing the Treaties upon Generalities, That the Temporal Articles were by Agreements on both ſides not to be treated or ſetled, until ſuch time as the Articles of Religion were fully agreed on; For that it was held moſt proper and honorable for both ſides, firſt to ſee if the Difficultty of Religion might be removed, before they paſſed to any further Engagements. And the ſaid Articles of Religion, by reaſon of the Popes new Demands ſent into *England* by Mr. *Gage*, were not ſigned nor condeſcended unto by his late Majeſty, nor his Majeſty that now is, then Prince, until *Jan.* 5. 1622. and were then ſent away in Poſt out of *England* to the ſaid Earl by Mr. *Simon Digby*, who arrived with them at *Madrid* in *Spain* about the 25. of the ſame moneth. But the Earls care was ſuch to have no time ſpent in the ſetling of the Temporal Articles; that before he would condeſcend ſo much as *de bene eſſe* unto the Articles of Religion, that they ſhould be ſent back to *Rome*, he procured the King of *Spain* to promiſe, That within the time limited for procuring the *Deſponſories*, which was by *March* or *April* following at the furtheſt, all the Temporal Articles ſhould be ſetled and agreed, to the end that the *Infanta* might be delivered at the Spring; as by the King of *Spain* his Anſwer in writing, was declared to be the Kings intention. And accordingly

An. 1626. cordingly Sir *Walter Aſton* and the ſaid Earl did not deal in general, but did moſt induſtriouſly labor to ſettle all in particular, *viz.* That the Portion ſhould be Two Millions, it appearing that it was ſo agreed by the late King of *Spain*: That the Diſpenſation coming, the *Deſponſories* ſhould be within Forty days after; And that *Don Duarte de Portugal* ſhould be the man that ſhould attend the *Infanta* in the Journey. And all other Particulars neceſſary for the Concluſion of the ſaid Treaties, were by Sir *Walter Aſton* and the ſaid Earl, and the Spaniſh Commiſſioners, drawn up into heads in writing, and after many Debates they were conſulted with that King; and 2 *Martii* 1623. *ſtilo vet.* the *Conde Gondomar*, and the Secretary *Don Andreas de Prada*, were appointed to come home to the houſe of the ſaid Earl, to ſignifie unto Sir *Walter Aſton* and himſelf, as they did, That the King of *Spain* had declared his reſolution in all the Particulars, and given them order to come to a ſpeedy Concluſion with them in all things: And that Kings Anſwer to that Concluſion the Earl ſaw, and read all written with the King of *Spain's* own hand. A B

On the ſeventh day of the ſaid moneth of *March* 1623. the Kings Majeſty, then Prince, and the Duke of *Buckingham* arrived at *Madrid*; And then the *Spaniards* took new laws, and the Negotiation was put into a new form. So that whereas it is objected againſt the Earl, that he entertained and continued the Treaties ſo long upon Generalities; He conceives it is not meant upon the Spiritual Articles, for they were ſuch as were ſent from *Rome* into *England*, and from thence they came to the Earl: And for the Temporal Articles, they were not to be ſetled and treated, till the Articles of Religion were concluded. He conceiveth it cannot be alleadged with any colour, that his Majeſty was entertained with Generalities, ſince the time that the ſaid Articles of Religion were brought unto the ſaid Earl by Mr. *Simon Digby*, being about the 25. of *January*. There were but ſix weeks until *March* 7. following, when his Majeſty then Prince arrived in *Madrid*, and in the interim all the above-mentioned Particulars were ſetled: And the time that hath been ſpent in this Treaty hath not been through his the ſaid Earls default in continuing upon Generalities without preſſing to Particulars, but hath been cauſed as well by Difficulties which the buſineſs brought with it, as alſo with exterior Accidents, *viz.* The Wars of *Bohemia*, the death of two Popes and of the late King of *Spain*, without the leaſt fault of the ſaid Earl, as is acknowledged by his late Majeſty of bleſſed memory, in the ſaid Earl his Inſtructions on the 14. of *March* 1621. C D

Briſtol not the cauſe of the Delays in *Spain*.

Neither could any delay herein be attributed unto him the ſaid Earl; For he was imployed in thoſe times into *Germany* and *Flanders*, and Sir *Walter Aſton* and Sir *Francis Cottington* for the ſpace of three or four years were reſident in *Spain*; from whence the hopes they gave were upon all the diſcreet grounds that Miniſters can expect from a State: But the Earl reaſſumed this buſineſs ſix moneths before his Majeſties coming into *Spain*; and he was ſo deſirous to ſee his Majeſty then Prince beſtowed, that he preſſed nothing ſo much both to the King and Prince, as that the Prince might loſe no more time, and rather to break the Match with *Spain* then ſuffer any further delays; as will appear by his Diſpatches from his firſt arrival at the Court of *Spain*, until his Majeſties then Prince his coming. For in his Letters of *June* 20. 1622. being the firſt he wrote after his firſt Audience, he was ſo deſirous that no time might be loſt, that in them he craveth leave of his Majeſty, that in caſe he ſhould find any E F

Delays

2 *Caroli.*

Delays in *Spain*, he might without expecting any Order take his leave and come home.

Upon the return of Sir *Francis Cottington*, in *September* following, he wrote both to the King, and his Majesty then Prince. To the King as followeth.

A *I Shall presume to add to that which Mr.* Cottington *shall deliver unto your Majesty by word of mouth of the present estate of the Match, what I conceive to be the right way to bring it to a speedy issue: That your Majesty will be pleased positively to declare what you will do in point of Religion, and that you will appoint me a certain limited time by which this King should procure the Dispensation, or conclude the Match without it; And in case there shall be any further delay therein, that I may then declare your Majesty to be free and disengaged, to bestow the Prince in such sort as you shall judge most convenient.*

B And to the Prince at the same wrote in these subsequent words, *viz.*

C *THat which will be necessary for his Majesty presently to do on his Majesties part, is to declare himself how far he will be pleased to yield in point of Religion, as Mr.* Cottington *will approve unto your Highness: And that he set a prefixed time to break or conclude the Match, either with the Dispensation, or without the same. For the rest, it may be left to my Negotiation: But your Highness may be pleased to hasten his Majesties resolution with all possible speed.*

And the said Earl saith, That having received from his said late Majesty his resolution in point of Religion, and a limited time according to his desire, he was so precise and punctual therein, that although the making or breaking of the Marriage depended upon it, he would not give one moneths respite longer time for the procuring of the Dispensation, D until he had first acquainted his late Majesty therein, and received his Directions under his own hand; as will appear by his Majesties Letters of *Octob.* 25. 1622. as followeth.

E *RIght Trusty and welbeloved Cousin and Counsellor, We greet you heartily well. Whereas by your last Letter written to our Secretary, dated* Sept. 29. *you are desirous to have our pleasure signified unto you under our own hand, Whether we will be content or not to grant a Moneths time longer for the coming of the Dispensation from* Rome, *then we have already limited unto you, in case they shall there conclude all things else to our contentment, with a Resolution to send the* Infanta *hither the next Spring: We do hereby declare unto you, that in that case you shall not break with them for a Moneths longer delay. We also wish you not to trouble your self with the rash Censure of other men, in case your business should not succeed, resting in that full assurance of our Justice and Wisdom, that we will never judge a good and faithful Servant by the effect of things so contingent and variable. And with this assurance we bid you heartily farewell.*

F And he further saith, That when he had agreed to the Articles of Religion, and that a certain time was set for the coming of the Dispensation, and a Conclusion of the Match, although he would bind himself to nothing without his Majesties approbation, yet for that no time might

be

An. 1626. be loſt, he agreed to the Propoſitions *De bene eſſe*, ſent by Mr. *Porter Decemb.*10. 1622. to the end the Articles might immediately be ſent to *Rome*, without loſing ſo much time as to hear firſt from *England*: And humbly moved, that in caſe his Majeſty ſhould like of the ſaid Articles, he would ſend his Approbation directly to *Rome* for the gaining of time; which his Majeſty was pleaſed to do. And at the ſame time he wrote both to his ſaid late Majeſty, and his Majeſty then Prince, as followeth, *viz.* To his Majeſty.

This is the true ſtate of the buſineſs as it now ſtandeth. If your Majeſty approve of what is done, I hope it will be a happy and a ſhort Concluſion: If your Majeſty think it not fit to allow and condeſcend to the ſaid Articles, I have done the uttermoſt of my endeavors, and ſhall humbly perſwade your Majeſty not to loſe a day longer in the Treaty, ſo much it importeth your Majeſty and your Kingdoms, that the Prince were beſtowed.

And to the Prince in Letters of the like date in this ſort.

I have preſumed to write to his Majeſty, that which I think my duty to ſay to your Highneſs; That in caſe you ſhall not approve of what is now conditionally agreed, you permit not a day more to be loſt in this Treaty: For it is of ſo great conſequence that your Highneſs were beſtowed, that it importeth almoſt as much that you were ſpeedily, as fitly matched. But I hope his Majeſty and your Highneſs will in ſuch ſort approve of this laſt Agreement, as you will ſpeedily bring this long Treaty to a happy concluſion. I am out of hope of bringing things to any better terms; therefore I deal clearly with your Highneſs, and do not only moſt humbly perſwade, but on my knees beg it of you, that you either reſolve to conclude this Match as you may, or ſpeedily to break it and beſtow your ſelf elſwhere; for no leſs then the happineſs of your Kingdom, and the ſecurity of the King your Father and your ſelf depend upon it.

All which things being conſidered, the Earl moſt humbly ſubmitteth himſelf to the Judgment of that moſt high and honorable Court, whether the Delays which accidents have brought forth in this buſineſs can be attributed to his fault; ſince on the one ſide it will evidently appear to your Lordſhips, that he never moved his Majeſty and the Prince to admit of delays, but rather to think of ſome other courſe; and it will on the other ſide appear by all the Diſpatches, that he preſſed things with the Miniſters of *Spain* to as ſpeedy a concluſion, as the uttermoſt terms of fair Negotiation and good manners would bear. And whereas it is pretended that the *Spaniards* ſhould take occaſion by entertaining the ſaid Treaties to abuſe his ſaid late Majeſty, (which he knoweth not) yet he ſaith he uſed all the vigilancie and induſtry that a careful Miniſter could do, and had from the *Spaniards* all the aſſurances by oaths, words and writings, which could be expected from Chriſtians; the which, without adding or diminiſhing, he faithfully preſented unto his ſaid late Majeſty; and his ſaid late Majeſty was pleaſed in thoſe times to conceive upon thoſe aſſurances, that they dealt really with him: And he conceiveth that his Majeſty that now is, then Prince, and the Duke of *Buckingham* were pleaſed to write as much to the late Kings Majeſty at their firſt coming into *Spain*, and that all which the ſaid Earl had written touching that imploiment was there avowed by the *Conde Olivarez* and *Conde Gondomar* to the ſaid Prince and Duke, at their arrival at *Madrid*; and he hopeth that if that Diſpatch may be peruſed, it will as well appear and be adjudged that he ſerved his Majeſty with ſome meaſure of vigilancie, as well as fulneſs of fidelity.

II. To

2 *Caroli.*

III. To the Third Article the ſaid Earl ſaith, That he did not either by words or by Letters to his late Majeſty or his Miniſters, extol, or magnifie the greatneſs and power of the King of *Spain*; nor repreſented to his late Majeſty the ſuppoſed dangers that might enſue unto him, if a War ſhould happen between him and the King of *Spain*, nor affirmed nor inſinuated the ſame, as in the ſaid Article is mentioned; but if he did at any time ſpeak or write of the power and greatneſs of the King of *Spain*, or repreſented any danger to his ſaid late Majeſty that might enſue by entring into Hoſtility with the ſaid King of *Spain*, it was as a faithful Counſellor and Servant to his Majeſty by way of his advice and opinion, which he ever delivered ſincerely, faithfully, and truly, according to the preſent occaſion, and in no wiſe with ſuch an intent as in the ſaid Article is mentioned, nor to any other evil intent and purpoſe whatſoever.

He never diſſwaded the King to take Arms.

But he hath been ſo far from diſſwading his late Majeſty to take Arms, that he hath upon all juſt occaſions adviſed, that all fitting preparations for War might be made, as beginning with the year 1621. from which time he is onely charged, will appear by his Speech in Parliament preſently after his return out of *Germany*; and that he hoped his Majeſty would no longer relie upon ſingle Treaties, but make all fitting preparations for War; and that the Parliament would enable his Majeſty thereunto; and by the care he took before his going again upon his Ambaſſage into *Spain*, that the eſtabliſhment of an Army under his Majeſties own Standard, of Horſe and Foot, and under his own pay, might be ſetled and provided for; as likewiſe his advice to the Lords of the Council, that his Majeſty might have a curb upon the King of *Spain* upon all occaſions, by continuing of Sir *Robert Mansfields* Fleet upon the Coaſts of *Spain*, as will appear by his Letter written from *Vienna*, 26 *July*, 1621. mentioned in the Anſwer to the firſt Article. By all which it appeareth, That he labored and endeavored as much as in him lay, that his Majeſty might be well prepared for any occaſions of War that ſhould happen. And he no way remembreth to have diſcouraged, or to have ſpoken or written any thing that might have been underſtood to have tended to the diſcouraging of his ſaid late Majeſty for the taking of Arms, and entring into hoſtility with *Spain*, or for reſiſting of him and his Forces, from attempting the Invaſions of his late Majeſties Dominions, or the Dominions of his late Majeſties Confederates, Friends, or Allies, as by the ſaid Article is charged againſt him; neither remembreth that he had any cauſe ſo to do. But if he have in any kinde ſpoken or written of *Spain*, or the power thereof, it may have been to his late Majeſty, or his Majeſty that now is, by way of diſcourſe, ſpeaking of the ſolidneſs of the Spaniſh proceedings, of their ſerious and deliberate debating of buſineſs before they reſolve on them, of the conſtant purſuing of them when they are once reſolved, wiſhing that *England* and other Nations would therein imitate them: For he ſuppoſeth the right way to impeach their greatneſs, was to grow as wiſe as they, and to beat them at their own Weapons. But otherwiſe he is confident never to have been heard to ſpeak or write any thing that might give any terror or diſcouragement, to his late Majeſty or his cheif Miniſters, knowing that *England* well-ordered, need to take little terror at the power of *Spain*, having almoſt in all attempts and enterpriſes won honor upon them. And as for the preventing of dangers that might enſue upon a War, though he knew not what is

An. 1626.

aimed at in that particular; yet he is moſt confident out of the Integrity of his own Conſcience, That he neither ſaid, nor adviſed any thing but what befitted a faithful Counſellor and an Ambaſſador, which was truly to deliver his opinion as he underſtood it upon the preſent occaſion: And as for affirming that his Majeſties quiet ſhould be diſturbed, and he not to be permitted to Hawk or to Hunt, he remembreth not what diſcourſe he may have had, or written to any perſon, how fit it might be upon the being broiled in a great War, ſeriouſly to intend it, and to make it our whole work. But as he is confident it will appear, that what diſcourſe ſoever it might have been, it wanted not true zeal and affection which he hath ever borne to the Kings ſervice. And he hopeth it will not be found to want due reſpect and reverence on his part, which he ought to ſhew to ſo gratious a Maſter. Neither can it be conceived, that the conſiderations of Hunting and Fowling, ſhould be conſiderations worthy ſo great and prudent a King, to withhold from a War for the good of Chriſtendom, and his Kingdom, if he ſhould have been juſtly provoked thereunto. A B

IV. To the Fourth Article the ſaid Earl ſaith, That he did not any thing contrary to his duty and alleagiance, or contrary to the faith and duty of an Ambaſſador, as by this Article is alleaged, but did intend the ſervice and honor of his late Majeſty, and no corrupt and ſiniſter ends of his own advancement, as by this Article is alſo alleaged. And as for the Conferences which is pretended he ſhould hold concerning the Treaty, That being told there was little probability that the ſaid Treaties would or could have good ſucceſs, he ſhould acknowledge as much; and yet ſaid, he cared not what the ſucceſs thereof might be, but that he would take care to have his Inſtructions perfect, and to purſue them punctually, and would make his Fortune thereby, or words to that effect; he doth not ever remember to have held ſuch diſcourſe. Though it be true, the time hath been many years ſince, when he thought the Match very unlike to be effected, in regard unequal Anſwers were given in Prince *Henries* days, and of the unlikelihood of accommodating the differences of Religion. And ſaith further, That the reviving of the Treaty of the ſaid Match for his Majeſty that now is, was not by his means, for he ever declared his opinion clearly, both to his late Majeſty and to his Majeſty that now is, That in the firſt place he wiſhed and adviſed a Proteſtant Match, but in the duty of a Servant underſtanding that both their Majeſties deſired the Match really with *Spain*, he did really and faithfully intend the ſervice and honor of their Majeſties, and effectually endeavored to procure their ends. And it is very likely he might ſay, he would get his Inſtructions perfect, and purſue them punctually, as he conceiveth was lawful and fit for him; but the latter part of this Conference, that he ſhould ſay he would make his fortune by it, or any other words to that effect; he was in *Anno* 1621. and ever ſince of that rank and quality, both in regard of his Imployments, Fortunes, and his Majeſties favors, that he aſſureth himſelf he did not, and dares Anſwer ſo far for his diſcretion, That it was impoſſible for him to hold ſo mean and unworthy diſcourſe. C D E F

He adviſed both King and Prince to a Proteſtant Match.

V. To the Fifth Article he ſaith, That what is therein alleaged, is ſo far from being ſo, that contrarily upon all occaſions to the uttermoſt of his power, he did labor to prevent all the inconveniences in point of Religion that might come by matching with a Princeſs of a different Religion,

ligion, as well appeareth by the Paper of his opinion, that his Majesty should marry with a Lady of his own Religion, hereafter mentioned in his Answer to the Seventh Article. And for further proof thereof, he saith, That in the whole Treaty with *Spain* he stood more strict in points of Religion, then by his Instructions he needed to have done, as will appear by the Testimony of Sir *Walter Aston*, and his Dispatches of the Twelfth of *December*, 1622. and other Dispatches, which he desireth may be read. And as for concealing or perswading to set at liberty the Priests or Jesuits, he utterly denieth to have done any such thing, as before he hath answered. Although it be true, that the Ambassage in *Spain* be far different from the employment in other places, where there is a Body of our Reformed Religion, and whereby his Majesty hath Kinred and Allies; whereby his Majesties Ministers may be informed of the necessary Occurrents of State, without the helps of Priests or Jesuites. But in *Spain* there being none but *Roman* Catholicks, nor any manner of correspondency or intelligence but by them, the Ambassadors must make use of all sorts of people, especially of Jesuites and Priests, and to that end Ambassadors sent thither have a large and particular Warrant under the Kings hand, to treat, and make use of Priests and Jesuites, and all other sorts of men, unless it be such as are proclaimed Rebels: And divers times the Ministers employed in *Spain*, to gratifie some whom there they employed for the Kings service, have as he believeth, at their particular Suit moved his Majesty to extend Grace and Favor to some parcular Friend, and Kinsman of his, being a *Roman* Catholick, and imprisoned in *England*, and that he remembreth to have hapned to others, but doth not remember himself to have written to his late Majesty in that kinde: And as concerning his advice and counsel, to set at liberty Jesuites and Priests, and the granting to the Papists a Toleration, or the silencing of the Laws against them, he said, that his late Majesty was engaged by the Treaty of *Madrid*, 1617. in divers matters concerning Religion; likewise by promise to *Conde Gondomar*, and his Letters to the King of *Spain*, 17 *April*, 1620. wherein he is pleased to promise some particulars in favor of *Roman* Catholicks, as by the said Letters will appear: And notwithstanding the said Earl had sufficient Warrant under the Kings own hand, to assure the King of *Spain* whatsoever was agreed in the said Article, or in the said Letters, his Majesty would sincerely perform, yet the said Earl was so cautious in that point, that when for the conclusion of the Match the other Articles of Religion being allowed, it was pressed by the Spanish Ministers, that a Clause of Convenience might be inserted with Protestation, That the form and way thereof should be wholly left to his Majesties wisdom and clemency, and that his Majesties *Roman* Catholick-Subjects should acknowledge this Grace to have come from the Kings Majesties mercy and goodness: Yet the said Earl would not condescend hereunto *De bene esse*, as by his Letters to Master Secretary *Calvert*, 8 *October*, 1622. will appear, hereby to give his Majesty time to have recourse unto his second Consultation, and to take it into consideration before he would engage or binde himself in this point: But his late Majesty and his Majesty that now is, were pleased to condiscend hereunto by signing the said Articles with their own hands; and likewise by writing their private Letters of the Eight of *January*, 1622. to that effect to the King of *Spain*, as by the said Letters will appear. Neither did the said Earl by Letters, or otherwise, ever counsel or perswade his late Majesty, to grant or allow unto the Papists or Professors

2 Caroli.

He never moved his Majesty to set Priests at liberty.

An. 1626. | feſſors of the *Roman* Religion a free Toleration, and Silencing of the Laws made and ſtanding in force againſt them, but ever proteſted againſt any ſuch Toleration; and when any ſuch Proviſion hath been offered to be made in *Spain*, he ever refuſed ſo much as to give ear to it, or to ſuffer it to be propounded; although it be true, that he hath ſince ſeen a Paper touching Pardons, Suſpenſions, and Diſpenſations for the *Roman* Catholicks, bearing date the Seventh of *Auguſt*, 1623. ſigned by the Lord *Conway*, and others, which in effect is little leſs then a Toleration; which Paper is that which followeth. A

Salisbury, 7 *Auguſt.* 1623.

The Declaration touching the Pardons, Suſpenſions, and Diſpenſations of the *Roman* Catholicks. B

A Declaration ſigned by my Lord *Conway* in behalf of *Roman* Catholicks.

FOr the ſatisfaction of their Excellencies, the Marqueſs of Ynojoſa, and Don Carlos de Colonia, the Lord Imbaſſadors for the King of Spain; and to the end it may appear that his Majeſty of Great Britain will preſently and really put in execution the Grace promiſed and intended to the Roman Catholicks his Majeſties Subjects, and of his own Grace more then he is tyed to by the Articles of Treaty of Marriage, C

We do declare in his Majeſties Name, That his Majeſties will and pleaſure is, that a Legal and Authentical Pardon ſhall be paſſed under the Great Seal, wherein ſhall be freely pardoned all thoſe Penalties, Forfeitures, and Seiſures, Indictments, Convictments, and Incumbrances whatſoever, whereunto the Roman Catholicks are lyable or have been proceeded againſt, or might be, as well Prieſts, as others, for matters of Conſcience onely, and to which the reſt of his Majeſties Subjects are not liable. And to the end his Majeſty may make himſelf clearly underſtood, where it ſhall happen that any of thoſe Forfeitures and Pecuniary Mulcts have been given away under his Majeſties Great Seal, his Majeſty will not hide that it is not in his power ſo to make void thoſe Letters Patents, except they be voidable by Law; and then his Majeſty is well pleaſed that all Roman Catholicks may in theſe Caſes plead in Law, if they finde it good, and ſhall have equal and legal Tryal. And his Majeſty is likewiſe pleaſed that his General Pardon ſhall remain in being five years, to the end, all that will may in that time take it out; and his Majeſty will give order for the comfort of the poorer ſort, that the Pardon ſhall not be coſtly, but ſuch like courſe ſhall be taken as was in a like occaſion at his Majeſties coming into England; and that it ſhall be lawful to put as many as can be poſſible into one Pardon. D E F

And we do further Declare, That his Majeſties will and pleaſure is, to the end the Roman Catholicks his Majeſties Subjects, may have a preſent and a free fruition of as much as is intended

2 Chrol.

tended them by the Articles of Treaty of Marriage, to cause a present Suspension under his Majesties Seal of all those Penal Laws, Charges, and Forfeitures, whereunto the Roman Catholick Subjects of his Majesty have heretofore been subject, and to which the rest of his Majesties Subjects have not been liable; and in the same Grant and under the same Seal, to give a Dispensation and Toleration to all the Roman Catholicks his Majesties Subjects, as well Priests, as Temporal persons and others, of and from all the Penalties, Forfeitures, Troubles, and Incumbrances, which they have been or may be subject to, by reason of any Statute or Law whatsoever, to the observation whereof, the rest of his Majesties Subjects are not bound. We do likewise declare, That his Majesty hath promised in his Royal Word, that the execution shall be no ways burthensome or penal to the Roman Catholicks, but that for the manner of priviledging, and freeing them from that, he must confer with Bishops and Advocates, into which he will presently enter and expedite by all means. And we do further declare, That his Majesties intention is presently to pursue his former Directions (which had been before executed, if their Excellencies had so thought good) to put under his Seal severally the said Pardon, and Suspension, and Dispensation; and that his Majesties Attorney, and learned Council shall have referred to them the charge to pen them with all those essential words, clauses, expressions, and reservations, which may presently give fruition to the Roman Catholicks his Majesties Subjects, and make them inviolable in the fruition of all that is intended and promised by his Majesty in the Articles of Marriage, and his Majesties further Grace.

And we do declare, That his Majesties further will and pleasure is, for the better satisfaction and discharge of the care and endeavor of their Excellencies the Ambassadors, that it shall be lawful to them to assign a discreet person to entertain such sufficient Lawyers as shall be thought fit to take care to the strength, validity, and security of the said Grants; and his Majesties Attorney shall have charge to receive and admit the said Lawyers to the sight and judgment of the said Draughts, and in any doubts to give them satisfaction, or to use such legal, necessary, and pertinent words and phrases, as he the said Lawyer shall propound for the security of the Roman Catholicks, and sure making of the said Grants.

And we do further declare, That his Majesties pleasure is, to make a Dispatch into Ireland unto his Deputy there, by the hands of the Lord Treasurer and Secretary of State, Sir George Calvert, for the present confirming and healing the things concerning the Roman Catholicks answerable to the Articles of Treaty, his Royal Promise and Proceedings here. And for Scotland, That his Majesty according to the constitution of his Affairs there, and regard to the Publick good, and peace of that Kingdom, and as soon as possible, will do all that shall be convenient for the accomplishment of his Promise in Grace and Favor of the Roman Catholicks his Subjects, conformable to the Articles of Treaty of Marriage.

But

An. 1626.

But this Declaration, the ſaid Earl ſaith and affirmeth was the effect of the Duke of *Buckinghams* Negotiation, and treated and concluded by the Lord *Conway* with the Spaniſh Ambaſſador here, whilſt the Prince was in *Spain*; neither was his privity or advice in it: For if he had known it, he ſhould have proteſted againſt it. All which, together with the difference betwixt the Conditions of Religion agreed at the Treaty of *Madrid*, 12 *December*, 1622. by the ſaid Earl, and the ſaid Sir *Walter Aſton*, being by their Lordſhips conſidered, the ſaid Earl doubteth not but it will manifeſtly appear whoſe endeavor it was to advance the Romiſh Religion, and the Profeſſors thereof; and judge the ſaid Earl moſt unfortunate to be charged with an Article of this kinde.

A

VI. To the Sixth Article the Earl ſaith, That the Aſſurances which he gave his late Majeſty, and his Majeſty that now is, concerning the Treaties, were ſuch, That it had been diſhoneſty and breach of his duty and truſt, for him to have held them back, being the ſame that were given him by the Emperor, and the King of *Spain*, and their Miniſters, upon as great Aſſurances as can paſs between Miniſters of Princes in the like caſe. And for the Delays of *Spain*, they could be never ſo ill, and with ſo little colour complained of, as at the time of his Majeſties coming thither; for that a certain time was before then prefixed for the coming of the Diſpenſation, *viz.* in *April*, 1623. at the furtheſt, which was the next moneth after the Princes arival at *Madrid*; the *Deſponſaries* were to be within four days following, and the *Infanta* to begin her journey into *England* twenty days after: So as three moneths patience longer would have ſhewed the iſſue of the buſineſs without putting of the perſon of the Prince, being Heir-Apparant to the Crown, in ſo eminent a hazard for the trying of an experiment. And it is an argument of great ſuſpition, becauſe the *Spaniards* were ſuſpected to have dealt falſly, and ſo the leſs to be truſted with the perſon of the Prince, to be put into their hands to try concluſions; But the truth is, though that were made the pretended ground, and the occaſion of the journey, it was neither the Aſſurances of the ſaid Earl, nor the Jealouſies of *Spain*, but other Motives that were the original cauſe of his Majeſties ſaid journey, as ſhall be ſufficiently made apparent in due time. And the ſaid Earl having got an inkling of it by ſomething that was let fall from the *Conde Gondomar* to that purpoſe, inſtantly diſpatched away Mr. *Grilles* to his late Majeſty to have this journey prevented; who upon the Confines of *France*, met with his Majeſty and the Duke of *Buckingham* on his journey towards *Spain*, and told them as much. So that although he confeſſeth what is laid in the Charge to be true, *viz.* That by the ſaid journey, the perſon of the Prince, the peace and ſafety of the Kingdom did undergo further danger (at the remembrance thereof the hearts of all good Subjects do tremble) yet the blame is due to the Authors and Adviſers of the ſame journey, and not to the ſaid Earl: And although it pleaſed God, to the exceeding great joy and comfort of the ſaid Earl, and of all good men, to ſend his gratious Majeſty home with ſafety; yet never was the perſon of any Prince, upon ſuch grounds, expoſed to ſo great an hazard, and in ſuch Caſes; nor the Succeſs but the Counſellors, are conſiderable.

B C D E F

VII. To the Seventh Article the ſaid Earl ſaith, That he did not move

2 Caroli.

move or perſwade his Majeſty, then Prince, to change his Religion, neither in the manner in the ſaid Article mentioned, nor in any other manner whatſoever: Neither doth he conceive, that the charge in it ſelf as it is laid, will in any reaſonable conſtruction bear any ſuch inference as is made therein; ſo as he conceiveth he needeth not make any further or other Anſwer thereunto. Yet that it may appear that the manner he uſed to the ſaid Prince, was not traiterouſly, falſly, or cunningly, nor without ground, or to any ſuch intent as in the ſaid Article is ſuppoſed. And to manifeſt unto this moſt high and honorable Court, how far he was from all ſuch intention, he ſaith, That he doth acknowledge that within few days after his Majeſties coming into *Spain*, whilſt he had that great honor to have his Majeſty lodged in his Houſe, and to have ſo Royal a Gueſt, finding by the Spaniſh Miniſters, That there was a general opinion, that his Majeſties coming thither was with an intention to become a *Roman* Catholick; and the *Conde Gondomar* having that very morning preſſed the Earl not to hinder ſo pious a work (as he termed it) of his Majeſties Converſion, and ſeeming to be aſſured of the Duke of *Buckinghams* aſſiſtance therein, his Majeſty being all alone in a withdrawing Room in the ſaid Earl his Houſe, the ſaid Earl kneeled unto him, and told him, That he had a buſineſs to impart unto him, which highly imported his Majeſty to know, ſo that he might be aſſured his boldneſs therein might be pardoned; which his Majeſty gratiouſly promiſed. And thereupon the ſaid Earl told his Majeſty, That the general opinion of that Court was, that his Majeſties coming into *Spain*, was with an intention to be a *Roman* Catholick, and there to declare it. And he confeſſeth, That at the ſame time in regard of thoſe things he had heard, he humbly beſought his Majeſty to deal freely with him as a Servant, of whoſe fidelity he might be confident, or words to that effect: But he was ſo far from perſwading his Majeſty to be a *Roman* Catholick, that without reſpecting his Majeſties Anſwer, he declared himſelf to be a Proteſtant, and ſo ſhould always continue; yet he ſaid he ſhould always ſerve his Majeſty, and labor to advance his and the King his Fathers affairs, with as much fidelity and honeſty, as any Catholick whatſoever: And his Majeſty was pleaſed then to make unto the ſaid Earl a full and clear Declaration of his Religion, and of his conſtant reſolution therein; and ſeemed to be much diſpleaſed, that any ſhould have ſo unworthy an opinion of him, as to think he would for a Wife, or any other Earthly reſpect whatſoever, ſo much as waver in his Religion. Whereupon the ſaid Earl beſought his Majeſty to pardon his boldneſs, and then intreated him not to ſuffer his buſineſs to be overthrown by permitting that conceit of his Converſion any longer to remain in the *Spaniards*, nor do any thing that might give them hope therein, alleaging, That it was impoſſible the Marriage could be without a Diſpenſation; and ſo long as the *Spaniards*, who were to procure the Diſpenſation, ſhould have hope of his Majeſties Converſion, they would never content themſelves with a part; to which they were tied by the Articles agreed upon with the ſaid Earl and Sir *Walter Aſton*. At which time his Majeſty was pleaſed to approve of his opinion, and ſaid, he would expect the Diſpenſation, and did thereupon afterwards ſend Mr. *Andrews* to *Rome* to haſten it; and the next day the ſaid Earl dealt very roundly with the *Conde Olivares* and *Gondomar*, telling them it was a diſcourteous manner of proceeding to preſs his Majeſty to further Conditions then were formerly agreed upon in point of Religion, and to make his Conditions the worſe, for the great Obligation he had put upon them

He perſwaded not the Prince to change his Religion.

An. 1626.

them by putting himself into their hands; whereat they took such great offence, that they estranged themselves from him for a long time after. And that the said Earl did thus proceed with the said *Condes*, and that it was not a new framed Answer to satisfie present Objections; but that which really, and indeed passed, will really appear by his Dispatches unto his late Majesty of Blessed Memory; and before his Majesty that now is came out of *Spain*, they were there shewed unto his Majesty, bearing date the Nineth of *September*, 1623. So that although it be true, That he the said Earl did not disswade his Majesty, for that there was no cause for it; yet without expecting his Majesties Answer, he first made a clear and true Profession of his own Religion: And when his Majesty had declared to him his zeal and constancy, he humbly besought him, That the *Spaniards* might not for any respect be longer held in hopes of that point. And because point of Religion is that which all men of honor and honesty should cheifly desire to clear, especially having an imputation of that nature laid upon them, as the said Earl hath in the said Article, He humbly beseecheth your Lordships, that he may not seem to digress from his Charge; intending your Lordships satisfaction in that particular, not by the aforesaid verbal discourse onely, which he professeth was in much zeal to Religion and dutiful care to the Prince in that kinde, but by some written Testimony of his former Opinion both of the Match and Religion. When he was first employed into *Spain* for the Treaty of this Marriage, 1617. his late Majesty having commanded him to give an accompt thereof unto his Majesty that now is, he at his departure towards *Spain*, presumed to give unto his Majesty that now is, his opinion in Writing, signed with his own hand to be kept as a testimony of future Actions, the Copy whereof is this as followeth.

A B C D E F

SIR,

He adviſed both King and Prince, if they will Match with a Catholick, rather to *Spain* then *France*, but cheifly to a Proteſtant Princeſs.

THe Opinion which I have ever presumed humbly to offer unto his Majesty concerning your Highness Marriage, hath been, that both in regard of Conscience and satisfaction unto his Majesties People and Allys, likewise for the security and quiet of your Majesties estates, Your Highness might take for Wife some Protestant Princess, although she neither were Daughter to a King, nor had so ample a Portion as might relieve the Kings present Necessities and Wants; for then there might be many ways found to help the Kings wants, either by some few years providence, and frugality, or by winning the affections of the people to the supplying of his Majesty by way of Subsidies in Parliament; wherein contrariwise, if the number and power of the Papists shall be increased, as undoubtedly they will be by your Highness matching with any Catholick Princess, through the Concession which must be of necessity for the exercise of her Religion for her self and Family, within your Highness Courts, and thereby by degrees these two different Religions shall grow to an equality of power; it will be of great hazard and disquiet to the State, and not to be redressed without great danger, and courses of more violence, then is usual for this State to put in practice. But in case his Majesty out of his wisdom and consideration, best known to himself, hold it fitest that your Majestie match with France, *or* Spain, *or any other Catholick, either for that the present time affordeth no Protestant Princess, who is for years or Blood suitable for your Highness, or that can in any considerable measure by the portion, supply his Majesties present wants, I then conceive that the Match by which this State shall suffer least inconveniency and cumbers, and whereby his Majesties necessities shall by the*

greatneſs

2 Caroli.

greatneſs of the Portion be the moſt relieved, is with Spain, *if ſuch a Match may be made with ſuch Conditions of Religion, as other Catholick Princes will contract themſelves withall.*

Thus much I thought fit humbly to preſent unto your Highneſs, for that I ſee my Implayment liable to the Cenſure of many worthy Perſons, with whom though I concur in my Opinion, yet I ſeem much to differ from them many ways; For that it is more proper to me to be true to my Maſters ends and ſervices, then by declaring this to procure their ſatisfaction: Only to your Highneſs I thought fit to make this Declaration; and ſhall be a Suitor to you for your favor, as you ſhall ſee me really labor to put this in effect. And if his Majeſty ſhall either upon motion of Parliament, or any other Propoſition that can be made unto him, think it fit to proceed with a Proteſtant Match, as I ſhall wiſh as well unto it as any man living, ſo I hope in ſuch ſort to manage the preſent buſineſs that I have in hand, that it ſhall rather much further, then any way croſs or hinder it. But in caſe his Majeſty ſhall not be drawn to any Propoſition for a Proteſtant Match, I then conceive that your Highneſs both doth, and will approve, that I really and effectually labor to procure a Match for your Highneſs in Spain, *upon ſuch Conditions in point of Religion and Portion, as to his Majeſty ſhall ſeem fit.*

He conſtantly profeſſed the Proteſtant religion.

Beſides which Declaration of his Opinion, He hath all the days of his life, and in all places, lived and allowed himſelf to be a Proteſtant, never having done any the leaſt act that was not ſuitable to that Profeſſion: And in all his former Imployments for the ſpace of Fourteen years, of more then Five hundred perſons of all qualities that attended on him, there was never any perverted in his Religion, ſaving two Iriſh Footmen, who in *Ireland* had been bred Papiſts. And he humbly deſireth the Teſtimony of Doctor *Maſon* and Doctor *Wren*, his Majeſties Chaplains, who were with his Majeſty in *Spain*, and of Maſter *Sampford* one of the Prebends of *Canterbury*, Maſter *Boſwell* Parſon of S. *Laurence* in *London*, and Maſter *Frewen* Divinity-Reader in *Magdalen*-Colledge in *Oxford*, and now one of his Majeſties Chaplains, who were his Majeſties Chaplains in *Spain*; as well for the frequent uſe of the Sacrament, as conſtant profeſſion and exerciſes of Religion, and the teſtimony of ſuch Catholicks as are known to have been his antient Acquaintance and Friends, to examine them upon oath, Whether publickly or privately in *Spain*, or in *England*, they had known him in any kind to make ſhew, or ſo much as to forbear upon all occaſions to declare the Religion he profeſſeth. And that the ſaid Mr. *Frewen* and Mr. *Wake* may be alſo examined, Whether in extremity of ſeveral ſickneſſes whereinto he hath of late years fallen, he hath not ever ſetled his Conſcience with them towards God, and made a Confeſſion of his Faith, reſolving as be-fitting a Proteſtant or good Chriſtian.

VIII. To the Eighth Article the Earl ſaith, That he did not at any time or in any place endeavor to perſwade the Prince touching his religion to become a Roman Catholick, and to be obedient to the uſurped authority of *Rome*; Neither did the ſaid Earl to that end and purpoſe, or otherwiſe, uſe unto his Majeſty then Prince, the words in the Article mentioned. But the ſaid Earl acknowledgeth, that upon occaſion of a Letter that came to his Majeſty then Prince, putting his Majeſty in mind of the great

An. 1626.

actions of his Royal Progenitors in the Holy War, that the great Kings of those times did not only imploy their Forces, but in their persons went into the Holy Land; The Earl believeth that by way of discourse only, and not otherwise, he may have said, That in regard of the difference in Religion, it was of more difficulty to undertake such great actions now, then in former Ages; and it might well be instanced in the present Treaty of the Marriage, wherein the Popes consent was to be obtained. And to this effect, and upon the like grounds, he is confident there were very many that have, nay few of neerness about his late Majesty that have not often heard his Majesty say, That he was the true Martyr, that suffered more for his Religion then all the Princes of Christendom besides; instancing in divers particulars, but especially in this, That he could not match his Children with Kings of his own rank, without the Popes leave. A

But the said Earl saith, He never alleaged any such thing to any other purpose, then to shew that only Conscience and love to Truth, (in which regard Protestants suffered much) not any temporal respects, made men constant and zealous to the profession of our Religion. By which discourse he ever attributed much to the honor and security of Protestant religion, but never used it as an argument to perswade to the contrary, as in the Accusation is insinuated. B

Besides, he conceiveth by way of Answer thereunto the said Question may be asked, which his Majesty was pleased to ask of the Earl in the Seventh Article, viz. *What the said Earl saw in his Majesty, that he should think him so unworthy as to change his Religion for a Wife, or any earthly respect whatsoever?* So why should it be thought, that being more fit to undertake great actions in the world (being a meer moral and temporal respect) should be an argument to perswade in conscience so religious and wise a Prince, and so well instructed as his Majesty is; as though the soul of a Christian Prince was to be wrought upon in point of Truth and Belief, by temporal and worldly respects of Conveniencies and Greatness? It were necessary for the proving that the said Earl perswaded his Majesty touching Religion, to produce some arguments that he used out of Scripture to satisfie him in point of Conscience in some Tenents of the Roman Church, or that he produced any Conference with Learned men for his satisfaction in point of Religion; Otherwise the Articles used in this against the said Earl, do (as he conceiveth) carry little strength to prove the Charge of perswading his Majesty, either in regard of it self, or in regard of his Majesties piety. C D

IX. To the Ninth Article the said Earl saith, That there was a Discourse in *Spain* of the way of accommodating the Prince Palatine his affairs, and by way of discourse it was moved, That the Marriage of his eldest Son with a Daughter of the Emperor, and his Son to be bred in the Emperors Court, would be the fairest way for the pacifying of, and accommodating those businesses. And the Earl by way of discourse, and not otherwise, did say, That he thought his late Majesty could not be adverse either to the said Match, or to the breeding of the Prince Palatine his Son with the Emperor; so as thereby the whole Patrimonial Estate of the Prince Palatine, and the Dignity Electoral might be fully restored, and that his Son might be bred in his own Religion, and have such Preceptors, and such a Family, as his late Majesty and his Father, meaning the Prince Palatine, should appoint, and they to have free exercise of Religion: E F

2 Caroli.

Religion: For ſo his late Majeſty hath often declared himſelf to the ſaid Earl, and wiſhed him to lay hold on any occaſion for the entertaining of any ſuch Propoſition. And otherwiſe then ſo, and upon the terms aforeſaid, and by that way of Conference and diſcourſe only, he delivered not any Opinion to his Majeſty at his Majeſties being in *Spain*: For the ſaid Earl is very confident that his Majeſty was returned out of *Spain*, before any Propoſition was made for the ſaid Marriage, other then by way of diſcourſe, as aforeſaid; The ſame, as the ſaid Earl believeth, being firſt moved and debated on by way of Propoſition between Mr. Secretary *Calvert* and the Ambaſſador of the King of *Spain*, *Octob.* 2. 1628. His late Majeſty, upon a relation made unto him by a Letter of Mr. Secretary *Calvert*, approved of the ſaid Propoſition, and declared the ſame to be the onely way, as he conceived, to accommodate with honor thoſe great buſineſſes: And wrote to that purpoſe to his Son-in-law the Prince Palatine, by his Letters dated 9 *Novemb.* 1623. A Copy of which he, together with Mr. Secretary *Calverts* Relation, and the Lord *Conway* by his late Majeſties commandment, ſent unto the ſaid Earl; the Tenor of which tranſlated out of French, is as followeth.

King *James* propoſeth a Match to the Prince Palatine, between his eldeſt ſon and the Emperors daughter.

WE have thought good, that we may provide beſt and moſt ſoundly for your Affairs, not only to procure, but alſo to aſſure your Peace, were to cut up by the very roots that Evil which hath been ſetled in the heart of the Emperor, by the great diſpleaſure and enmity he hath conceived againſt you. For the removing and quite extinguiſhing of which, it ſeemeth to us no better or more powerful means can be uſed, then a good Alliance which may be propoſed by us between your eldeſt Son and the Daughter of the ſaid Emperor; upon the aſſurance we have we ſhall not be refuſed in this nature, if you on your part will give your conſent. And for the more ſurety of the good ſucceſs thereof, we are determined, before any ſuch Propoſition be made to the Emperor, to intereſs the King of Spain *with us in the buſineſs, who we truſt will lend us his helping hand, as well for the effecting of it and bringing it to a good concluſion, as in procuring likewiſe that the Conditions be duly obſerved. Amongſt which Conditions, if it happen that the Emperor ſhould demand that your Son during his minority ſhould be brought up in his Court, We ſhall tell you that we for our own part ſee no reaſon why you ſhould ſtick at it, upon ſuch Conditions as he might be tied unto, to wit, That the young Prince ſhould have with him ſuch Governor as you ſhould pleaſe to appoint him, although he be no Roman Catholick; And that neither he, nor any of his ſhould be any way forced in matter of their Conſcience. And our meaning is ſo to order our proceeding in this Treaty, that before your ſaid Son be put into the hands of the Emperor, we will have a clear and certain aſſurance of an honorable, entire, and punctual reſtitution of all whatſoever belonging to you: As alſo we will take care to provide accordingly as fully and exactly for the Aſſurances requiſite for the Liberty of Conſcience for him and his Domeſticks, as they have done here with us touching thoſe that have been granted them for the* Infanta. *And therefore ſeeing there is no Inconvenience at all that may cauſe your averſneſs or backwardneſs in this buſineſs, which we for our parts think to be the beſt, ſhorteſt, and moſt honorable way that you can take for the compaſſing of the entire Reſtitution, and making your Peace ſure with the Emperor, We hope your opinion will concur with us herein, and ſhall intreat you by the firſt to ſend us your Anſwer.*

An. 1626.

By which Letter after his Majesties coming out of *Spain*, it appeareth to your Lordships that there was no Proposition of the Marriage betwixt the Son of the Prince Palatine and the Emperors Daughter, when that Letter was written; For therein his Majesty saith, he was determined to interess the King of *Spain* in the business, before any such Proposition should be made to the Emperor. And it will also thereby appear, that his late Majesties opinion was of the Convenience thereof, which the said Earl hopeth will acquit him, if by way of discourse only he declared what his Majesties inclination was, which with honesty he could not have concealed. And the said Earl saith, he doth not remember what answer Sir *Walter Aston* made upon that discourse which he then delivered, nor what replies the said Earl made, but sure he is, whatsoever the said Earl said, or what answer or reply soever was made, as it was by way of discourse, and not otherwise, so it was according to that which he truly conceived to be the best and easiest way to accommodate the business, and to be his Majesties pleasure, (which the said Sir *Walter Aston* may be ignorant of, as he is confident that he was) and not out of any disaffection to our Religion, or for any sinister respect or regard to the House of *Austria*, as by the said Article is intimated: For he did not conceive the breeding of the Prince Palatine's Son with the Emperor, having a Governor appointed by his late Majesty and his Father, and he and his Domesticks to have free use of their own Religion, to be a matter of impossibility, or such dangerous consequence in point of Religion, as to imply his Conversion, as by the Article is intimated; well knowing that in the Emperors Court all Princes there, though his Prisoners, and others his Counsellors and Servants about his person, and of great Command in his Armies, being avowed Protestants, have the free use of their Religion: And it is not to be supposed the Son of the Prince Palatine, Grandchild to the King of *Great Britain*, should be matched, and no care taken to capitulate for the use of his Religion, being ever granted to the meanest Prince that is bestowed. And his Majesties special care in this point is fully seen in the said Letter.

X. To the Tenth Article he saith, That by comparing of this Article of his too much Forwardness, with the Second Article, whereby he is charged with continuing the Treaty upon Generalities, without reducing them to Certainties and direct Conclusions, Your Lordships will perceive how impossible it was for him to avoid an Exception. But for direct Answer to the present Charge he saith, That he did not presumptuously, nor yet to his knowledge, break his Instructions, nor set any day at all for the *Desponsories*; but was therein meerly passive, in admitting the day nominated by the King of *Spain* according to the Capitulation before made: Nor did he presumptuously, wilfully, or willingly disobey any Commandment or Direction of his Majesty that now is, then Prince, which he could understand not to be countermanded either by present or future Instructions otherwise explained.

And for the better manifestation of the truth of his proceedings in and concerning the same, he saith, That on the day of the departure of his Majesty then Prince from the *Escurial* in *Spain*, his Highness delivered unto him in presence of the Commissioners his Proxies powers, with publick Declaration taken in writing by the Secretary to the King of *Spain*, of the Prince his pleasure, and how the said Earl should use them, *viz.* That he should deliver them to the King of *Spain* upon the coming of the

2 Caroli.

the Diſpenſation cleared from *Rome*, according to that which had been agreed, which was to be within ten dayes after the coming of the Diſpenſation. And he further ſaith, That it is true that the Prince afterwards by his Letters ſent by one Mr *Clark*, commanded him the ſaid Earl not to deliver the ſaid Proxies till he ſhould have received ſecurity that the *Infanta* after her being betrothed ſhould not enter into any Religious Order, and that before he proceeded he ſhould ſend to his Majeſty, then Prince, ſuch ſecurities as ſhould be offered, that he might judge whether it were ſufficient or not.

Whereupon the ſaid Earl, as became a faithfull Servant, preſented unto his Majeſty that now is, then Prince, ſuch Aſſurances as were offered unto him for ſecuring of that point, together with ſuch Reaſons as he conceived were fit to be offered to their conſiderations; which gave unto his late Majeſty, and his Majeſty that now is, then Prince, ſuch ſatisfaction, as they were pleaſed to diſpatch a Poſt preſently unto him, abſolutely diſcharging him of that Commandment, as by their ſeveral Letters dated *October* 8. 1623. will appear as followeth.

We have received your Letters by Griſley, *and the copy of them to our dear Son; and we cannot forbear to let you know how well we eſteem the dutifull, diſcreet and judicial Relation and humble advice to our Son: Whereupon, having ripely deliberated with our ſelf, and communicated with our dear Son, we have reſolved, with the good liking of our Son, to reſt upon that ſecurity in point of doubt for the* Infanta's *taking a Religious Order, which you in your judgement ſhall think meet.*

And by another Letter of his Majeſty that now is, then Prince, as followeth; *Viz.*

Your Letters to the King and me conerning that doubt I made after I came from St Laurence, *hath ſo ſatisfied us both, that we think it fit no longer to ſtick upon it, but leave it to your diſcretion to take what ſecurity you ſhall think fitting.*

Whereby he was abſolutely freed of that command, and being ſo freed thereof, he then remained under the Order which his Majeſty, then Prince, had left with him at his departure, which was to proceed according to the Capitulations, and his Highneſs Declaration when he delivered the ſaid Proxies unto him: And ſo he intended to have done till by his Highneſs's Letters *November* 13. 1623. he was directly commanded the contrary; which Commandment he moſt readily and punctually obeyed.

The Earls Reaſons why he was forward to conſummate the Match, til warrant came to the contrary.

And for ſuch his intentions, till he was countermanded, he conceiveth he had not onely ſufficient warrant, but had highly offended if he had done otherwiſe. For firſt, for his proceedings to conſummate the Match, he had warrant and inſtruction under his late Majeſties hand. Secondly, It was the main ſcope of his Ambaſſage. Thirdly, He was injoyned by the King and Prince his Commiſſion under the Great Seal. Fourthly, He had poſitive Order under his Majeſties hand by Letters ſince. Fifthly, It was agreed by Capitulation, that it ſhould be within ſo many dayes after the coming of the Diſpenſation. Sixthly, His late Majeſty, and his Majeſty that now is, then Prince, ſignified by their Letters unto him at the ſame time when they diſcharged him of his Commandment touching

An. 1626.

touching the *Infanta*'s entring into Religion, that they intended to proceed in the Marriage, as by his Majesties Letters *October* 8. 1623. will appear. Seventhly, The Proxies were to that end left in his hands, and after again renewed after his Majesties return into *England*. Eighthly, He had overthrown the Marriage without order: For although Sir *Walter Aston* and himself used all possible means for the gaining of time, and deferring the Desponsories; yet the King of *Spain* caused it to be protested, that in case he the said Earl should insist upon the deferring of the Desponsories, he would free himself from the Treaty by the said Earls infringing of the Capitulations: And in truth, although the King of *Spain* should have condescended to have prolonged the Desponsories until one of the dayes of Christmas, as by the Letter was required; yet the Prince's Proxies had been before that time expired, and he durst not without a precise Warrant put such a scorn upon so noble a Lady, whom he then conceived was likely to have been the Prince his wife, as to nominate a day of marriage when the Proxies were out of date, and he was himself sworn to the Treaty. And lastly, he could not in honor and honesty, but endeavor to perform that publick Trust reposed in him when the Proxies were deposited in his hands, with publick and legal Declaration, with an instrument by a Secretary of State to the King of *Spain*, leading and directing the use of them, and the same being then *instrumentum stipulatum*, wherein as well the King of *Spain* was interessed by the acceptation of the substitution, as the Prince by granting of the Proxies, he could not in honesty fail the publick Trust without clear and undoubted warrant; which as soon as he had, he obeyed. So as the Case standing thus, the said Earl is very confident that the supposed Countermands, Directions and Restrictions, when they should be perused and considered of, will appear to have been very slender and insufficient warrant against the aforesaid Orders and Reasons before specified: And is also as confident, That what is assured out of his the said Earls Dispatches, will also appear to be misunderstood; and that if he had proceeded to the execution of the Desponsories before he received direct and expres commandment to the contrary by the aforesaid Letters *November* 13. 1623. which he readily and punctually obeyed, he had not under favor broken his Instructions, or deserved any blame for lack of assurance of the restitution of the *Palatinate* and Temporal Articles.

A

B

C

D

And first of the *Palatinate*, his said Majesty did not send to the said Earl expres Directions not to dispatch the Desponsories until a full conclusion were had of the other Treaty of the *Palatinate*, together with that of the Marriage, as by the said Article is alledged; onely his late Majesty, by the aforesaid Letters of *October* 8. required the said Earl so to endeavor, that his Majesty might have the joy of both at Christmas. Whereas his Instructions of *May* 14. 1621. were expres, that he should not make the busines of the *Palatinate* a condition of the Marriage. And his late Majesties Letters of December 30. 1623. were fully to the same effect. Yet did the said Earl, according to what was intimated by the said Letters of *October* 8. so carefully provide therein, as that before the Proxies were to be executed, he had an absolute answer in the busines of the *Palatinate*, the same should be really restored according to his late Majesties desire; and the *Conde Olivarez*, both in his Majesties name, and in his own, desired the said Earl and Sir *Walter Aston* that they would assure his Majesty of the real performance of the same, and

E

F

The restitution of the *Palatinate*, promised by the King of *Spain* and *Olivarez*.

2 Caroli.

and intreated, if need were, they ſhould engage their honor and life for it, as by their joynt Diſpatches of *November* 23. 1623. will appear; and ſo much the ſaid Sir *Walter Aſton* and the ſaid Earl agreed ſhould be delivered to them in writing, before they would have delivered their Proxies, and ſo the ſaid Earl declared it; the which Anſwer in writing ſhould have been the ſame which ſince was given them of *January* 8. 1623. And both Sir *Walter Aſton* and the ſaid Earl were confident therein, as they by their ſaid Letters of *November* 23. wrote to his late Majeſty as followeth; *Viz.*

A

That his Majeſty might, according to his deſire ſignified to the ſaid Earl by his Letters of October 8. *give as well to his Majeſties Daughter that Chriſtmas the comfortable news of the expiring of her great troubles and ſufferings, as to his Son the Prince the Congratulation of being married to a moſt worthy and excellent Princeſs.*

B

By which it will evidently appear, he meant not to leave the buſineſs of the *Palatinate* looſe, when he intended to proceed to the Marriage; but he confeſſed that he was ever of opinion, that the beſt pawn and aſſurance his late Majeſty could have of the real proceedings of the *Palatinate*, was, That they proceeded really to the effecting of the *Match*; and of the ſame opinion was his late Majeſty alſo, and the Lords Commiſſioners here in *England*, as appeareth by his Inſtructions dated *March* 14. 1621. which opinion ſtill continued in them, as appeareth by his late Majeſties Letters of *January* 7. 1622. And as for the Temporal Articles, the ſaid Earl ſaith, when the Deſponſories were formerly appointed to have been, as he remembreth on *Friday Auguſt* 29. before the departure of his Majeſty, then Prince, out of *Spain*, which was onely hindred by the not coming of the Diſpenſation, the Prince appointed him and Sir *Walter Aſton* to meet with the Spaniſh Commiſſioners, and they drew up the heads of the Temporal Articles, wherewith the Prince and the Duke of *Buckingham* were acquainted; and in caſe the Diſpenſation had come, and the Deſponſories been performed on that day, there had been no other proviſion made for them before the Marriage; but preſently upon the Prince his departure, he the ſaid Earl cauſed them to be drawn into form, and ſent them to his late Majeſty *September* 27. 1623. deſiring to underſtand his Majeſties pleaſure with all ſpeed, eſpecially if he diſapproved any thing in them; but never received notice of any diſlike thereof, until the aforeſaid Letters of *November* 13. 1623. which put off the Deſponſories. So as it appeareth the ſaid Earl was ſo far from breaking his Inſtructions, or from having any intention to have proceeded to the execution of the Deſponſories before his Majeſty and the Prince were ſatisfied of this point of the *Infanta* entring into Religion, or before convenient aſſurance as well for the reſtitution of the *Palatinate*, as performance of the Temporal Articles, that he deſerveth, as he conceiveth under favor, no blame, ſo much as in intention; but if he had erred in intention onely (as he did not) the ſame being never reduced into Act, the Fault (as he conceiveth) was removed by his obedience before the intention was put into execution: For ſo it is in Caſes towards God. And as to the matter of aggravation againſt him, that he appointed ſo ſhort a time for the Deſponſories, as that without extraordinary diligence the Prince had been bound, he thereto ſaith, as he ſaid before, that he ſet no day at all thereunto, nor could defer it after the Diſpenſation came

C

D

E

F

An. 1626.

came from *Rome*, without a direct breach of the *Match* ſo long labored in, and ſo much deſired; yet he and Sir *Walter Aſton* having uſed all poſſible induſtry to diſcover how the motion of deferring the Match would be taken; and finding an abſolute reſolution in the King of *Spain* to proceed punctually, and to require the Proxies according to the Capitulations, within ten dayes after the coming of the Diſpenſation; and that time alſo getting advertiſement from *Rome*, that the Diſpenſation was granted, and would preſently be there; he, the ſaid Earl, to the end in A
ſo great a Cauſe he might have a clear and undoubted underſtanding of his late Majeſties pleaſure, ſent a Diſpatch of *November* 1. with all diligence unto his Majeſty, letting his Majeſty know that it could not be poſſible for him to protract the Marriage above four dayes, unleſs he ſhould hazard the breaking, for which he had no warrant.

But that this was no new Reſolution, nor the King ſo ſtraitned in time, as by the ſaid Article is pretended, will appear by the ſaid Earls Diſpatch of *September* 28. 1623. In which upon ſcruple that was then B
made of the *Infanta*'s entring into Religion, he wrote to the ſame effect; *Viz. That if the Diſpenſation ſhould come, he knew no means how to detain the Proxies above twenty or twenty four dayes.* So that although difficulty happened until the middeſt of *November* 1623. yet it was foreſeen that it muſt of neceſſity happen whenſoever the Diſpenſation ſhould come; and then was warning of two moneths given thereof; *viz.* from *September* 24. until *November* 29. which was the time appointed for the Deſponſories.

So as he moſt humbly ſubmits himſelf unto your Lordſhips which of C
the two wayes was the ſafer or dutifuller for him to take; whether upon inferences and conjectures to have overthrown ſo great a buſineſs; or on the otherſide, firſt to have preſented unto his Majeſty the truth and ſincerity as he did, the true eſtate of his Affairs, with his humble opinion therein, with an intimation, that if his Majeſty ſhould reſolve to break the Match, that for the ſaid Earl his honeſt diſcharge of the publick Truſt repoſed in him when the Proxies were depoſited in his D
hands, and for his ſufficient warrant in ſo great a cauſe, his Majeſty would be graciouſly pleaſed to give him clear and expreſs order (which he had not) and in the interim, whileſt his Majeſty might take into conſideration the great inconveniences that might enſue, the ſaid inconveniences might be ſuſpended, and the buſineſs kept upon fair terms, that his Majeſty might have his way and choice clear and unſoiled before him.

And as to the evil Conſequences which are pretended would have E
followed if the ſaid Earl had proceeded to the conſummation of the Match, before he had expreſs order and warrant to the contrary; he ſuppoſeth his Majeſty ſhould ſpeedily have ſeen the Marriage which he ſo long ſought to have effected; that the Prince ſhould have had a worthy Lady whom he loved; that the Portion was much greater then ever was given in money in *Chriſtendom*; that the King of *Spain* had engaged himſelf for reſtitution of the *Palatinate*; for which the ſaid Earl conceived a daughter of *Spain*, and Two Millions had been no ill pawn, beſides F
many other additions of advantage to the Crown of *England*: Whereas on the contrary ſide, he foreſaw that the Prince would be kept a year longer unmarried, a thing that ſo highly concerneth theſe Kingdoms; he doubteth that the recovery of the *Palatinate* from the Emperor and Duke of *Bavaria* by force would prove a great difficulty,

The advantages of the Spaniſh Match to *England*.

difficulty, and that Christendom was like to fall into a general Combustion: So that desiring that his Majesty should have obtained his ends, and have had the honor and happiness, not onely to have given peace, plenty, and increase unto his own Subjects and Crowns, but to have compounded the greatest differences that had been these many years in Christendom: And by his Piety and Wisdom, to have prevented the shedding of so much Christian Blood, as he feared would ensue, if these businesses were disordered. These Reasons, he confesseth, and the zeal unto his Majesties service made him so earnestly desire the effecting of this business, and cannot but think himself an unfortunate man (his Majesties affairs being so near setling to his Majesties content, as he conceived they were, and hoping to have been unto his Majesty not onely a faithful Servant, but a successful Servant) to see the whole estate of his affairs turned up-side down without any the least fault of his; and yet he the onely Minister on the English and Spanish side that remained under disgrace.

XI. To the Eleventh Article the said Earl saith, That the Article is grounded upon a Petition by him preferred to this Honorable House, supposed to be scandalous; which your Lordships (as he conceiveth) according to the Customs and Priviledges of the House of Peers, would have been pleased first to have adjudged so to have been, either for matter appearing in it self, or upon hearing the said Earl; for if the matter appearing in the Petition it self, be not to be excepted unto, it cannot as he conceiveth by Collateral accidents be taken for a Scandal, till it be examined and found false. For a plain and direct Answer thereunto, he saith, That the said Petition is such as will not warrant any such inference, as by the said Article is inforced. And that he hopeth to justifie the Contents of the said Petition in such sort as shall not displease his Majesty, nor deserve that expression which is used in the Charge; but contrarily what he hath said, or shall say therein in his defence, shall in all things tend to the Honor and Service of his Majesty, by reducing into his Memory divers Circumstances, and laying before him the passages of divers particulars, which by undue practices have been either concealed from his Majesty or mis-related to him.

"Having thus offered to this High and Honorable Court, such "Proofs and Reasons, as he hopeth shall in your Lordships Wisdom "and Justice clearly acquit him of any capital Crime or wilful Offence; "if it shall appear that out of Errors of Judgment, too much fervent- "ness of zeal to his Majesties service, or the ignorance of the Laws of "this Realm, (wherewith he hath not been able to be so well acquainted "as he ought, by reason of Foreign Employments by the space of "many years) or by any other ways or means he hath faln into "the danger of the Laws for any thing pardoned in the General Par- "don made in the Parliament holden at *Westminster*, *Anno Vicesimo* "*primo Regni, Imp. Jacobi Angliæ, &c.* of Blessed Memory, he humbly "prayeth allowance of the Pardons, and the benefit thereof (with this "Clause, That he doth and will aver that he is none of the persons excep- "ted out of the same) although he is very confident he shall not need the "help of any pardon, having received many significations as well from "his Majesties own mouth, that he had never offended his Majesty, as

An. 1626. "lately by ſeveral Letters from the Lord *Conway*, that he might reſt in "the ſecurity he was in, and ſit ſtill, and ſhould be no further queſtioned: "But he hopes your Lordſhips will not onely finde him ſo far from blame, "but that he hath ſerved his late Majeſty of Bleſſed memory, and his "moſt gratious Son, the Kings Majeſty that now is, with that fidelity, "care, and induſtry, that your Lordſhips will take ſuch courſe as you "in your wiſdoms ſhall think fit, not onely for the upholding the Honor "and Reputation of a Peer of this Realm, after ſo many employments, A "but likewiſe become humble and earneſt Suitors to his Majeſty on "his behalf (which he humbly prayeth) That he may be reſtored to his "Majeſties moſt gratious Favor, which above all worldly things he moſt "deſireth.

The Eighth of *May*, the Commons brought up their Charge againſt the Duke, which was delivered at a Conference of both Houſes, and ſpun out two days time. It was managed by Eight Members and Sixteen more as Aſſiſtants. The Eight cheif managers were, Sir *Dudley Diggs*, Mr. *Herbert*, Mr. *Selden*, Mr. *Glanvile*, Mr. *Pym*, Mr. *Sherland*, Mr. *Wandesford*, and Sir *John Elliot*. B

Sir *Dudley Diggs* by way of Prologue, made this Speech.

My Lords,

C

"THere are ſo many things of great importance to be ſaid in very "little time to day, that I conceive it will not be unacceptable to "your Lordſhips, if (ſetting by all Rhetorical Affectations) I "onely in plain Country Language, humbly pray your Lordſhips favor to "include many excuſes neceſſary to my manifold infirmities in this one "word, I am *Commanded* by the Knights, Citizens, and Burgeſſes of the "Commons Houſe, to preſent to your Lordſhips their moſt affectionate D "thanks for your ready condeſcending to this Conference; which, out "of confidence in your great Wiſdoms, and approved Juſtice, for the "ſervice of his Majeſty, and the welfare of this Realm, they deſired upon "this occaſion.

"The Houſe of Commons by a fatal and univerſal Concurrence of "Complaints, from all the Sea-bordering parts of this Kingdom, did "finde a great and grievous interruption and ſtop of Trade and Traffick: "The baſe Pirates of *Sally* ignominiouſly infeſting our Coaſts, taking "our Ships and Goods, and leading away the Subjects of this Kingdom E "into Barbarous captivity; while to our ſhame and hindrance of Com-"merce, our enemies did (as it were) beſiege our Ports, and block up our "beſt Rivers mouths. Our friends on ſlight pretences, made Imbargoes of "our Merchants Goods, and every Nation (upon the leaſt occaſion) was "ready to contemn and ſlights us: So great was the apparent diminution "of the antient Honor of this Crown, and once ſtrong Reputation of our "Nation. Wherewith the Commons were more troubled, calling to re-"membrance, how formerly in *France*, in *Spain*, in *Holland*, and every F "where by Sea and Land, the Valors of this Kingdom had been better "valued, and even in latter times, within remembrance, when we had "no Alliance with *France*, none in *Denmark*, none in *Germany*, no Friend "in *Italy*, *Scotland* (to ſay no more) ununited, *Ireland* not ſetled in peace, "and much leſs ſecurity at home; when *Spain* was as ambitious as it is

"now

2 Caroli.

"now under a King (*Philip* the Second) they called their Wiſeſt; the "Houſe of *Auſtria* as great and potent, and both ſtrengthned with a ma- "litious League in *France*, of perſons ill-affected, when the Low- "Countreys had no Being; yet by conſtant Councils, and old Engliſh "ways, even then that Spaniſh pride was cooled, that greatneſs of the "Houſe of *Auſtria*, ſo formidable to us now, was well reſiſted; and to "the United Provinces of the Low-Countreys ſuch a beginning, growth, "and ſtrength was given, as gave us honor over all the Chriſtian World. "The Commons therefore wondring at the Evils which they ſuffered, "debating of the Cauſes of them, found they were many drawn like "one Line to one Circumference of decay of Trade, and ſtrength of "Honor and Reputation in this Kingdom; which as in one Centre, "met in one great Man, the cauſe of all, whom I am here to name, *The* "*Duke of Buckingham.*

Here Sir *Dudley Diggs* made a little ſtop, and afterwards read the Preamble to the Charge, *viz.*

The Commons Declaration and Impeachment againſt the Duke of *Buckingham.*

For the ſpeedy Redreſs of great Evils and Miſcheifs, and of the cheif cauſe of theſe Evils and Miſcheifs which this Kingdom of England *now grievouſly ſuffereth, and of late years hath ſuffered; and to the honor and ſafety of our Soveraign Lord the King, and of his Crown and Dignity; and to the good and welfare of his people, The Commons in this preſent Parliament by the Authority of our ſaid Soveraign Lord the King aſſembled, Do by this their Bill ſhew and declare againſt* George *Duke, Marqueſs and Earl of* Buckingham, *Earl of* Coventry, *Viſcount* Villers, *Baron of* Whaddon, *Great Admiral of the Kingdoms of* England *and* Ireland, *and of the Principality of* Wales, *and of the Dominions and Iſlands of the ſame, of the Town of* Calais, *and of the Marches of the ſame, and of* Normandy, Gaſcoigne, *and* Guienne, *General-Governor of the Seas and Ships of the ſaid Kingdom, Lieutenant-General Admiral, Captain-General and Governor of his Majeſties Royal Fleet and Army lately ſet forth, Maſter of the Horſe of our Soveraign Lord the King, Lord Warden, Chancellor and Admiral of the Cinque Ports, and of the Members thereof, Conſtable of* Dover *Caſtle, Juſtice in Eyre of all the Foreſts and Chaſes on this ſide the River* Trent, *Conſtable of the Caſtle of* Windſor, *Gentleman of his Majeſties Bed-Chamber, one of his Majeſties moſt Honorable Privy Council in his Realms, both in* England, Scotland, *and* Ireland, *and Knight of the moſt Honorable Order of the Garter; The Miſdemeanors, Miſpriſions, Offences, Crimes, and other Matters, compriſed in the Articles following; and him the ſaid Duke do accuſe and impeach of the ſaid Miſdemeanors, Miſpriſions, Offences, and Crimes.*

An. 1626.

My Lords,

"THis lofty Title of this Mighty Man, methinks doth raiſe my "ſpirits to ſpeak with a *Paulò Majora Canamus*; and let it not "diſpleaſe your Lordſhips, if for Foundation, I compare the "beautiful ſtructure and fair compoſition of this Monarchy wherein we "live, to the great work of God, the World it ſelf: In which, the ſolid "Body of incorporated Earth and Sea, as I conceive, in regard of our "Husbandry, Manufactures, and Commerce by Land and Sea, may "well reſemble us the Commons. And as it is incompaſſed with Air, "and Fire, and Sphears Celeſtial, of Planets and a Firmament of fixed "Stars; all which receive their heat, light, and life, from one great, glo- "rious Sun, even like the King our Soveraign. So that Firmament of "fixed Stars I take to be your Lordſhips; thoſe Planets the great Offi- "cers of the Kingdom; that pure Element of Fire, the moſt Religious, "Zealous, and Pious Clergy; and the Reverend Judges, Magiſtrates, "and Miniſters of Law and Juſtice, the Air wherein we breathe: All "which encompaſs round with cheriſhing comfort, this Body of the "Commons, who truly labor for them all; and though they be the "Foot-ſtool, and the loweſt, yet may well be ſaid to be the ſetled Centre "of the State.

"Now (my good Lords) if that glorious Sun, by his powerful "Beams of Grace and Favor, ſhall draw from the Bowels of this Earth, "an exhalation that ſhall take Fire, and burn and ſhine out like a Star, it "needs not be marvelled at, if the poor Commons gaze and wonder at "the Comet; and when they feel the effects, impute all to the incorrup- "tible matter of it: But if ſuch an imperfect mixture appear, like that "in the laſt age in the Chair of *Caſſiopeia*, among the fixed Stars them- "ſelves, where *Ariſtotle* and the old Philoſophers conceived there was no "place for ſuch corruption, then as the Learned Mathematicians were "troubled to obſerve the irregular motions, the prodigious magnitude, "and the ominous prognoſticks of that Meteor; ſo the Commons when "they ſee ſuch a blazing Star in courſe ſo exorbitant in the Affairs of this "Commonwealth, cannot but look upon it, and for want of Perſpectives, "commend the nearer examination to your Lordſhips, who may behold "it at a nearer diſtance. Such a prodigious Comet the Commons take "this Duke of *Buckingham* to be; againſt whom, and his irregular ways, "there are by learned Gentlemen legal Articles of Charge to be delivered "to your Lordſhips, which I am generally firſt commanded to lay "open.

"1. The Offices of this Kingdom, that are the Eyes, the Ears, "and the Hands of this Commonwealth, theſe have been ingroſſed, "bought and ſold, and many of the greateſt of them holden even in the "Dukes own hands; which ſeverally gave in former ages, ſufficient con- "tent to greateſt Favorites, and were work enough for wiſeſt Counſellors; "by means whereof, what ſtrange abuſes, what infinite neglects have "followed? The Seas have been unguarded, Trade diſturbed, Merchants "oppreſſed, their Ships, and even one of the Royal Navy, by cunning "practice, delivered over into Foreign hands; and contrary to our good

"Kings

2 *Caroli.*

"Kings intention, employed to the prejudice (almoſt to the ruine) of "Friends of our own Religion.

"2. Next Honors (thoſe moſt pretious Jewels of the Crown) a "Treaſure ineſtimable, wherewith your Noble Anceſtors (my Lords) "were well rewarded for eminent and publick Service in the Common- "wealth at home; for brave exploits abroad, when covered all with "duſt and blood, they ſweat in ſervice for the honor of this Crown. A "What back-ways, what by-ways, have been by this Duke found out, "is too well known to your Lordſhips: whereas antiently it was the "honor of *England* (as among the *Romans*) the way to the Temple of *Ho-* "*nor*, was through the Temple of *Vertue*. But I am commanded to preſs "this no further, then to let your Lordſhips know, one inſtance may "(perhaps) be given of ſome one Lord compelled to purchaſe Ho- "nor.

"3. As divers of the Dukes poor Kinred have been raiſed to B "great honors, which have been and are likely to be more chargeable "and burthenſome to the Crown; ſo the Lands and Revenews, and the "Treaſuries of his Majeſty, have been intercepted and exhauſted, by "this Duke and his Friends, and ſtrangely miſ-employed with ſtrange "confuſion of the Accounts, and overthrow of the well eſtabliſhed an- "tient Orders of his Majeſties Exchequer.

"4. The laſt of the Charges which are prepared, will be an injury "offered to the perſon of the late King of Bleſſed memory, who is with C "God, of which (as your Lordſhips may have heard heretofore) you "ſhall anon have further information. Now upon this occaſion, I am "commanded by the Commons to take care of the honor of the King "our Soveraign that lives, (long may he live to our comfort, and the "good of the Chriſtian World) and alſo of his Bleſſed Father who is "dead; on whom, to the grief of the Commons, and their great "diſtaſte, the Lord Duke did (they conceive) unworthily caſt ſome ill "odor of his own foul ways; whereas Servants were antiently wont to D "bear, as in truth they ought, their Maſters faults, and not caſt their own "on them undeſervedly. It is well known the King (who is with God) "had the ſame power, and the ſame wiſdom, before he knew this Duke, "yea, and the ſame affections too; through which (as a good and grati- "ous Maſter) he advanced and raiſed ſome Stars of your Lordſhips Fir- "mament; in whoſe hands this exorbitancy of will, this tranſcendency "of power, ſuch placing and diſplacing of Officers, ſuch irregular run- "ing into all by-courſes of the Planets, ſuch ſole and ſingle managing of E "the great Affairs of State, was never heard of.

"And therefore, onely to the Lord Duke, and his procurement, by "miſ-informations, theſe faults complained of by the Commons, are to "be imputed.

"And for our moſt Gratious Soveraign that lives, whoſe name "hath been uſed, and may perhaps now be for the Dukes juſtifica- "tion, the Commons know well, That among his Majeſties moſt Royal F "Virtues, his Piety unto his Father, hath made him a pious nouriſher of "his Affections ever to the Lord Duke, on whom, out of that con- "ſideration, his Majeſty hath wrought a kinde of wonder, making Fa- "vor Hereditary; but the abuſe thereof muſt be the Lord Dukes own: "And if there have been any Commands, ſuch as were or may be "pretended, his miſ-informations have procured them; whereas the

"Laws

An. 1626.

"Laws of *England* teach us, That Kings cannot command ill or unlawful things, when ever they ſpeak, though by their Letters Patents, or their Seals. If the things be evil, theſe Letters Patents are void, and whatſoever ill event ſucceeds, the Executioners of ſuch Commands muſt ever anſwer for them.

"Thus, my Lords, in performance of my duty, my weakneſs hath been troubleſome unto your Lordſhips; it is now high time, humbly to entreat your pardon, and give way to a learned Gentleman to begin a more particular charge. A

Then were read the Firſt, Second, and Third Articles, *viz.*

The Commons Articles againſt the Duke.

His ingroſſing many Offices.

I. THat whereas the great Offices expreſſed in the ſaid Dukes Stile and Title, heretofore have been the ſingular Preferments of ſeveral Perſons eminent in Wiſdom and Truſt, and fully able for the weighty Service, and greateſt Employments of the State, whereby the ſaid Offices were both carefully and ſufficiently executed by ſeveral Perſons of ſuch Wiſdom, Truſt, and Ability: And others alſo that were employed by the Royal Progenitors of our Soveraign Lord the King in places of leſs Dignity, were much encouraged with the hopes of advancement. And whereas divers of the ſaid places ſeverally of themſelves, and neceſſarily require the whole care, induſtry, and attendance of a moſt provident, and moſt able perſon; He the ſaid Duke being yong and unexperienced, hath of late years with exorbitant Ambition, and for his own profit and advantage, procured and ingroſſed into his own hands, the ſaid ſeveral Offices, both to the danger of the State, the prejudice of that Service, which ſhould have been performed in them, and to the great diſcouragement of others; who by this his procuring and ingroſſing of the ſaid Offices, are precluded from ſuch hopes, as their Vertues, Abilities, and Publick Employments, might otherwiſe have given them. B C D

Plurality of Offices.

His buying of Offices.

II. Whereas by the Laws and Statutes of this Kingdom of *England*, if any perſon whatſoever, give or pay any ſum of Money, Fee, or Reward, directly or indirectly, for any Office or Offices, which in anywiſe touch or concern the Adminiſtration or Execution of Juſtice, or the keeping of any of the Kings Majeſties Towns, Caſtles, or Fortreſſes, being uſed, occupied, or appointed for places of ſtrength and defence; the ſame perſon is immediately upon the ſame Fee, Money, or Reward, given or paid, to be adjudged a diſabled perſon in the Law, to all intents and purpoſes, to have, occupy, or enjoy the ſaid Office or Offices, for the which he ſo giveth or payeth any ſum of Money, Fee, or Reward. He the ſaid Duke did, in or about the Moneth of *January* in the Sixteenth year of the late King *James* of Famous memory, give and pay to the Right Honorable *Charles*, then Earl of *Nottingham*, for the Office of Great Admiral of *England* and *Ireland*, and the Principality of *Wales*, and for the Office of General-Governor of the Seas and Ships of the ſaid Kingdoms, and for the Surrender of the ſaid Offices, then made to the ſaid King by the ſaid Earl of *Nottingham*, being then Great Admiral of the ſaid Kingdoms, and Principality, and General-Governor of the Seas and Ships, to the intent the ſaid Duke might obtain the ſaid Offices to his own uſe, the ſum of Three thouſand pounds of lawful Money of *England*; E F

England; and did also about the same time, procure from the said King a further Reward for the Surrender of the said Office to the said Earl, of an Annuity of One thousand pounds by the year, for and during the life of the said Earl; and by the procurement of the said Duke, the said late King of Famous memory, did by his Letters Patents dated the Seven and twentieth of *January*, in the said year of his Reign, under the Great Seal of *England*, grant to the said Earl the said Annuity; which he the said Earl accordingly had and enjoyed, during his life, and by reason of the said sum of Money, so as aforesaid paid by the said Duke. And of his the said Dukes procurement of the said Annuity, the said Earl of *Nottingham* did in the same Moneth surrender unto the said late King, his said Offices and his Patents of them; and thereupon, and by reason of the premisses, the said Offices were obtained by the Duke for his life, from the said King of Famous Memory, by Letters Patents made to the said Duke, of the same Offices, under the Great Seal of *England*, dated the Eight and twentieth day of *January*, in the said Sixteenth year of the said late King. And the said Offices of Great Admiral and Governor as aforesaid, are Offices that highly touch and concern the Administration and Execution of Justice, within the provision of the said Laws and Statutes of this Kingdom; which notwithstanding, the said Duke hath unlawfully ever since the first unlawful obtaining of the said Grant of the said Offices, retained them in his hands, and exercised them against the Laws and Statutes aforesaid. 2 *Caroli.*

His buying the Cinque Ports of the Lord *Zouch*.

III. The said Duke did likewise in or about the beginning of the Moneth of *December*, in the Two and twentieth year of the said late King *James* of Famous memory, give and pay unto the Right Honorable *Edward* late Lord *Zouch*, Lord Warden of the Cinque Ports, and of the Members thereof, and Constable of the Castle of *Dover*, for the said Offices, and for the Surrender of the said Offices of Lord Warden of the Cinque Ports, and Constable of the said Castle of *Dover*, to be made to the said late King of Famous memory, the sum of One thousand pounds of lawful Money of *England*; and then also granted an Annuity of Five hundred pounds yearly to the said Lord *Zouch*, for the life of the said Lord *Zouch*; to the intent that he the said Duke might thereby obtain the said Offices to his own use. And for, and by reason of the said sum of Money so paid by the said Duke, and of the said Annuity so granted to the said *Edward* Lord *Zouch*, he the said Lord *Zouch* the Fourth day of *December*, in the year aforesaid, did surrender his said Offices, and his Letters Patents of them to the said late King: And thereupon and by reason of the premisses, he the said Duke obtained the said Offices for his life, from the said late King, by his Letters Patents under the Great Seal of *England*, dated the Sixth day of *December*, in the said Two and twentieth year. And the said Office of Lord Warden of the Cinque Ports, and of the Members thereof, is an Office that doth highly touch and concern Administration and Execution of Justice; and the said Office of Constable of the Castle of *Dover*, is an Office that highly concerneth the keeping and defence of the Town and Port, and of the said Castle of *Dover*, which is and hath ever been appointed for a most eminent place of strength and defence of this Kingdom; which notwithstanding, the said Duke hath unlawfully ever since this first unlawful obtaining of the said Office, retained them in his hands, and exercised them against the Laws and Statutes aforesaid.

These

An. 1626.

The first Article enlarged by Mr. *Herbert.*

These Three Articles were discourſed upon by Mr. *Herbert*, and touching *Plurality of Offices*, he obſerved, That in that vaſt power of the Duke (a yong unexperienced man) there is an unfortunate complication of Danger and Miſcheif to the State, as having too much ability, if he be falſe, to do harm, and ruine the Kingdom; and if he be faithful, and never ſo induſtrious, yet divided amongſt ſo many great places (whereof every one would employ the induſtry of an able and provident man) there muſt needs be in him an inſufficiency of performance, or rather an impoſſibility, eſpecially conſidering his neceſſary attendance likewiſe upon his Court places. A

The ſecond and third enlarged by him.

To the Second and Third, namely, *The buying the Office of Admiralty and Cinque-Ports* (both which he compriſed in one) he ſaid, That to ſet a price upon the Walls and Gates of the Kingdom, is a Crime which requires rather a ſpeedy remedy than an aggravation, and is againſt the expreſs Law of 5 *Edw.* 6. upon this foundation, *That the buying of ſuch places doth neceſſarily introduce corrupt and inſufficient Officers.* And in the Parliament of 12 *Edw.* 4. it is declared by the whole Aſſembly, *That they who buy thoſe places* (theſe are the expreſs words) *binde themſelves to be Extortioners and Offenders*; as if they pretended it warrantable, or as if they did lay an Obligation upon themſelves to ſell again. And though the buying of ſuch places be not againſt any particular Law enjoyning a penalty for them (the breach whereof is a particular Offence) yet as far as they ſubvert the good, and welfare, and ſafety of the people; ſo far they are againſt the higheſt Law, and aſſume the nature of the higheſt Offences. B C

His neglect of guarding the Seas.

IV. Whereas the ſaid Duke by reaſon of his ſaid Offices of Great Admiral of the Kingdoms of *England* and *Ireland*, and of the Principality of *Wales*, and of Admiral of the Cinque Ports, and General Governor of the Seas and Ships of the ſaid Kingdoms; and by reaſon of the truſt thereunto belonging, ought at all times ſince the ſaid Offices obtained, to have ſafely guarded, kept, and preſerved the ſaid Seas, and the Dominion of them; and ought alſo whenſoever there wanted either Men, Ships, Munition, or other ſtrength whatſoever that might conduce to the better ſafeguard of them; to have uſed from time to time, his utmoſt endeavor for the ſupply of ſuch wants to the Right Honorable, the Lords and others of the Privy Council, and by procuring ſuch ſupply from his Soveraign, or otherwiſe: He the ſaid Duke hath ever ſince the diſſolution of the two Treaties mentioned in the Act of Subſidies of the One and twentieth year of the late King *James* of Famous memory (that is to ſay) the ſpace of Two years laſt paſt, neglected the juſt performance of his ſaid Office and Duty, and broken the ſaid Truſt therewith committed unto him: And hath not according to his ſaid Offices, during the time aforeſaid, ſafely kept the ſaid Seas, inſomuch that by reaſon of his neglect and default therein, not onely the trade and ſtrength of this Kingdom of *England* hath been during the ſaid time much decayed, but the ſame Seas alſo have been, during the ſame time, ignominiouſly infeſted by Pirates and Enemies, to the loſs both of very many Ships and Goods, and of many of the Subjects of our Soveraign Lord the King; and the Dominion of the ſaid Seas (being the antient and undoubted Patrimony of the Kings of *England*) is thereby alſo in moſt eminent danger to be utterly loſt. D E F

V. Whereas

2 *Caroli*

His taking a Ship called St *Peter* of *Newhaven.*

V. Whereas about *Michaelmas* last past, a Ship called the St *Peter* of *Newhaven*, (whereof *John Mallerow* was Master) laden with divers Goods, Merchandise, Monies, Jewels and Commodities, to the value of Forty thousand pounds or thereabouts, for the proper accompt of Monsieur *de Villieurs*, the then Governor of *Newhaven*, and other Subjects of the French King, being in perfect Amity and League with our Soveraign Lord the King, was taken at Sea by some of the Ships of his Majesties late Fleet, set forth under the command of the said Duke, as well by direction from him the said Duke as great Admiral of *England*, as by the Authority of the extraordinary Commission which he then had for the command of the said Fleet, and was by them, together with her said goods and lading brought into the Port at *Plymouth*, as a prize among many others, upon probabilities that the said Ship or Goods belonged to the Subjects of the King of *Spain*: And that divers parcels of the said goods and lading were there taken out of the said Ship of St *Peter*, (that is to say) Sixteen Barrels of *Cochineal*, Eight Bags of Gold, Twenty three Bags of Silver, two Boxes of Pearl and Emeralds, a Chain of Gold, Jewels, Monies and Commodities to the value of Twenty thousand pounds or thereabouts, and by the said Duke were delivered into the private custody of one *Gabriel Marsh*, servant to the said Duke; and that the said Ship with the residue of her goods and lading was from thence sent up into the River of *Thames*, and there detained; whereupon there was an arrest at *Newhaven* in the Kingdom of *France* on the seventh day of *December* last, of two English Merchants Ships trading thither, as was alleadged in certain Petitions exhibited by some English Merchants trading into *France*, to the Lords and others of his Majesties most honorable Privy-Council; after which (that is to say) on the 28 day of the said moneth, his Majesty was pleased to order, with the advice of his Privy-Council, that the said Ship and Goods belonging to the Subjects of the French King should be redelivered to such as should re-claim them, and accordingly intimation was given unto his Majesties Advocate in the chief Court of Admiralty by the right honorable Sir *Fo. Cook* Knight, one of his Majesties principal Secretaries of State, for the freeing and discharging of the said Ship and Goods in the said Court of Admiralty: And afterwards, that is to say, on the Six and twentieth of *January* last, it was decreed in the said Court by the Judge thereof, with the consent of the said Advocate, That the said Ship with whatsoever Goods so seised or taken in her, (Except Three hundred *Mexico* Hides, Sixteen Sacks of Ginger, one Box of gilded Beads, Five Sacks of Ginger more mentioned in the said Decree) should be clearly released from further detention, and delivered to the Master; and thereupon under Seal a Commission was in that behalf duly sent out of the said Court to Sir *Allen Appesly*, Sir *John Worstenholme* and others, for the due execution thereof: The said Duke, notwithstanding the said Order, Commission and Decree, detained still to his own use the said Gold, Silver, Pearls, Emeralds, Jewels, Monies and Commodities so taken out of the said Ship as aforesaid: And for his own singular avail and covetousness, on the sixth day of *February* last, having no information of any new proof, without any legal proceeding, by colour of his said Office, unjustly caused the said ship and goods to be again arrested and detained, in publick violation and contempt of the Laws and Justice of this Land, to the great disturbance of Trade, and prejudice of the Merchants.

An. 1626.

The fourth Article enlarged by Mr *Selden.*

These were enlarged by Mr *Selden*, who said, That by nature of his Office the Duke as Admiral ought to have guarded the Seas: By his Patent he is made *Magnus Admirallus Angliæ, Hiberniæ & Walliæ, Normaniæ, Aquitaniæ, Villæ Calesij, & Marchiarum ejusdem, & præfectus generalis classium Marium dictorum regnorum.* The Seas of *England* and *Ireland* are committed to the Admiral, as a part of the Demesne and Possessions of the Crown of *England*; not as if he should thereby have Jurisdiction onely, as in case of the Admirals in *France* or *Spain*. The State of *Genoa*, *Catalonia*, and other Maritine parts of *Spain*, the Sea-Towns of *Almain*, *Zeland*, *Holland*, *Friezland*, *Denmark*, *Norway*, and divers other parts of the Empire, shew, That the Kings of *England*, by reason that their said Realm hath used, time out of minde, to be in peaceable possession, are Lords of the Seas of *England*, and of the Islands belonging to them. And though *Grotius* that *Hollander* wrote of purpose to destroy all Dominion in the East-Ocean; yet he speaks nothing against the Dominion of our English Seas, howsoever he hath been misapprehended; but expresly elsewhere saith, *Meta Britanicis littora sunt orir*; the utmost limits of the Demesne of the Crown of *England*, are the Shores of the neighbouring Countries; the whole Sea, or the *Territorium maximum* that intervenes, being parcel of the possession of the Crown: the keeping and safe-guard of these committed to the Lord Admiral by the name of the *Præfectus Marium & Admirallus*, being but the same anciently: Before the use of the word Admiral came in, which was under *Edw.* 1. the Admirals had the Titles of *Custodes Maris*.

And this *Præfectura* or *Custodia*, or Office of safe-guarding the Seas, binds him to all care and perpetual observance of whatsoever conduceth to that safe-guard, as in *Custos sigilli*, *Custos Marchiarum*, *Custos portium*, & *custos comitatuum*, agreeable to the practice of former times.

1. In certifying yearly to the King, and his Council, the many Forces both of the Kings ships, and ships of Merchants, the names of the owners, the number of Marriners, &c. That the King and his Council may always know his force by Sea.

2. In shewing wants of ships &c. for the safe-guarding of the Seas, with the Estimates of the Supply, that so they might be procured. In personal attendance upon the service of guarding the Seas upon all occasions of weight: In 7 *H.* 4. *Nich. Blackborn*, and *Rich. Clderowe* one of the Knights of *Kent* were made Admirals for keeping the Seas, upon consideration had of it in Parliament, and the other Knight being *Robert Clifford*, it was agreed in Parliament that he should have the voices of both, because the other must of necessity be absent: And they both amongst other things petitioned the Council, that if the King in his Person should come on the Sea, they might have such a liberty to wait upon him, as they might make their Lieutenant during the time for the service of their places. But the Council that allowed the rest, or most of their demands, answered to that, *Le Conseel ne pant faire.*

Then he estimated the nature of the offence, by the consequences which follow the not guarding of the Seas, *viz.* 1. The losses already shewed. 2. The prevention of Trade, which gives life to the wealth of the Kingdom. 3. The weakning of the Naval strength, the Merchants being thereby discouraged from building ships which they cannot use. In 1 *Rich.* 2. the Commons opened the two chief and almost whole Causes of the weakning the Kingdom at that time; the neglect of Chivalry and eminent vertue not regarded nor rewarded; the decay of Trade since the Navy was grown

weak,

2 *Caroli.*

weak, beſides all the loſs of quiet poſſeſſion of ſo large a Territory as the Seas of *England* and *Ireland*, by the free uſe of which the ancient glory and greatneſs of the Crown of *England* hath ſo conſtantly ſubſiſted.

Then he inſtanced in *Michael de la Pool*, Lord Chancellor, who in 9 *Rich.* 2. miſ-ſpent Subſidies given *pro ſalva cuſtodia maris*, as appears in the Roll, and was adjuged in Parliament (though for other offences, becauſe ſome other Lords of the Council had been truſted with him, and it A was not fit to impeach him *ſans les companions*) they taking it for a crime without queſtion fit to be complained of.

Secondly, in *William* Duke of *Suffolk*, who for the ſame fault, being Admiral onely in the right of *Henry* Earl of *Exeter* his Ward, was by the King extraordinarily commanded into baniſhment.

Then he brought examples of ſuch who had been put to death, and confiſcated for not ſafe-guarding Towns, and Caſtles, and Forts, which are of like nature with not ſafe-guarding the Seas, and with loſing the poſ- B ſeſſion of the Crown.

To the Fifth he ſaid, The ſtaying of the ſhip called the *Peter* of *Newhaven*, and detaining part of the goods, was againſt the Marine Laws of *England*, againſt the Common Laws, againſt the Laws of Merchants, and conſequently the Law of Nations. The Fifth Articles enlarged by Mr *Selden.*

By the Marine Laws agreeable to the Civil Laws, ſentence given by any Subject or other againſt the King, may upon new proof be revoked, but not without new proof. He made by his Patent a Judge of all Maritine C Cauſes, as well as Keeper of the Seas, his Juriſdiction was to be exerciſed *juxta leges noſtras civiles & Maritimas*, and accordingly to hear all Cauſes, and generally to proceed *ex officio mero mixto & promoto ſecundum leges noſtras Civiles & Maritimas.*

Againſt the Common-Laws,

All Juſtices and all other deputed to do Law or Right, are commanded by Act of Parliament to permit the courſe of ordinary Juſtice; and although they be commanded to do the contrary, that they do execution D aright, and according to juſtice as far as in them lies, and ſo for any Letters of Commandment which may come unto them from us, or from any other, or by any other cauſe.

Againſt the Law of Nations.

Againſt what is agreed by the Leagues between us and Forain Nations, That the Subjects of Nations in Amity with us ſhall be well uſed, and permitted without Moleſtation, for what cauſe or occaſion ſoever, according to the Laws and Cuſtoms of the places where they ſhall be.

Laſtly, againſt the Laws of Merchants which is to have *Celerem juſtitiam.* E

The Conſequences of this Offence are;

1. Great damage to our Engliſh Merchants, that have ſuffered by reaſon of it in Forain Parts, as they alleadge. 2. It is a diſcouragement to thoſe that are Subjects to the Marine Juriſdiction. 3. An example that may ſerve hereafter to juſtifie all abſolute Authority in the Admiral, without Law or Legal courſe, over the ſhips and good of all Merchants whatſoever, and ſo no ſecurity to Merchants. Laſtly, He inſtanceth in the Duke of F *Suffolk*, who was adjudged in Parliament for Treaſon, and among other offences it was laid to his charge, that he took to his own uſe goods Piratically taken, and expreſly againſt the Order determined by the Lord Protector and the whole Council, whereunto his hand had been for the reſtitution of them.

Next were read the Sixth, Seventh and Eighth Articles; *viz.*

An. 1626.

VI. Whereas the honor, wealth, and ſtrength of this Realm of *England* is much increaſed by the Traffick, chiefly of ſuch Merchants as imploy and build great warlike Ships, a conſideration that ſhould move all Counſellors of State, eſpecially the Lord Admiral to cheriſh and maintain ſuch Merchants.

The ſaid Duke abuſing the Lords of the Parliament in the One and twentieth year of the late King *James* of famous memory, with pretence of ſerving the State, did oppreſs the Eaſt-*India* Merchants and extorted from them Ten thouſand pounds, in the ſubtil and unlawfull manner following. A

About *February* in the year aforeſaid, he the ſaid Duke hearing ſome good ſucceſs that thoſe Merchants had at *Ormus*, in the parts beyond the Seas, by his Agents cunningly in or about the moneth aforeſaid in the year of the ſaid late King, endeavored to draw from them ſome great ſum of money, which their poverty, and no gain by that ſucceſs at *Ormus* made thoſe Merchants abſolutely to deny; whereupon he the ſaid Duke perceiving that the ſaid Merchants were then ſetting forth in the courſe of their Trade, four Ships, and two Pinaces laden with goods and merchandiſe of very great value, like to loſe their voyage if they they ſhould not ſpeedily depart. The ſaid Duke on the firſt of *March* then following, in the ſaid year of the ſaid late King, did move the Lords then aſſembled in the ſaid Parliament, whether he ſhould make ſtay of any Ships which were then in the Ports, (as being high Admiral he might) and namely, thoſe ſhips prepared for the Eaſt-*India* voyage, which were of great burthen and well furniſhed; which motion being approved by their Lordſhips, the Duke did ſtay thoſe ſhips accordingly; but the fifth of *March* following, when the then Deputy of that Company, with other of thoſe Merchants, did make ſuit to the ſaid Duke for the releaſe of thoſe Ships and Pinaces; he the ſaid Duke, ſaid he had not been the occaſion of their ſtaying, but that having heard the motion with much earneſtneſs in the Lords Houſe of Parliament, he could do no leſs then give the order they had done; and therefore he willed them to ſet down the reaſons of their ſuit, which he would acquaint the Houſe withall, yet in the mean time he gave them leave to let their ſaid ſhips and Pinaces fall down as low as *Tilbury*. And the tenth of *March* following an unuſual joynt action was by his procurement entred in the chief Court of Admiralty, in the name of the ſaid late King and of the Lord Admiral, againſt them for Fifteen thouſand pound taken Piratically by ſome Captains of the ſaid Merchants ſhips, and pretended to be in the hands of the Eaſt-*India* Company; and thereupon the Kings Advocate in the name of Advocate for the then King and the ſaid Lord Admiral, moved and obtained one Attachment, which by the Serjeant of the ſaid Court of Admiralty was ſerved on the ſaid Merchants in their Court the ſixteenth day of *March* following; whereupon the ſaid Merchants, though there was no cauſe for their moleſtation by the Lord Admiral, yet the next day they were urged in the ſaid Court of Admiralty to bring in the Fifteen thouſand pounds, or go to priſon: wherefore immediately the Company of the ſaid Merchants did again ſend the Deputy aforeſaid and ſome others to make new ſuit unto the ſaid Duke for the releaſe of the ſaid Ships and Pinaces; who unjuſtly endeavoring to extort money from the ſaid Merchants, proteſted that the Ships ſhould not go except they compounded with him; and when they urged many more reaſons for the releaſe of the ſaid Ships and Pinaces, the Anſwer of the ſaid Duke was, That the then Parliament muſt B C D E F

firſt

1 Caroli.

first be moved. The said Merchants therefore being in this perplexity, and in their consultation, the three and twentieth of that moneth, even ready to give over that Trade, yet considering that they should lose more then was demanded by unlading their ships, besides their voyage, they resolved to give the said Duke Ten thousand pounds for his unjust demands. And he the said Duke by the undue means aforesaid, and under colour of his Office, and upon false pretence of Rights, unjustly did exact and extort from the said Merchants the said Ten thousand pounds, and received the same about the 28. of *April* following the discharge of those Ships, which were not released by him till they the said Merchants had yielded to give him the said Duke the said Ten thousand pounds for the said Release, and for the false pretence of Rights made by the said Duke as aforesaid.

His delivering Ships into the hands of the King of *France*.

VII. Whereas the Ships of our Soveraign Lord the King, and of his Kingdoms aforesaid, are the principal strength and defence of the said Kingdoms, and ought therefore to be always preserved and safely kept under the command, and for the service of our Soveraign Lord the King, no less then any the Fortresses and Castles of the said Kingdoms; And whereas no Subject of this Realm ought to be dispossessed of any his Goods or Chattels without order of Justice, or his own consent first duly had and obtained: The said Duke being Great Admiral of *England*, Governor-General and Keeper of the said Ships and Seas, and thereof ought to have and take a special and continual care and diligence how to preserve the same; The said Duke in or about the end of *July* last, in the first year of our Soveraign Lord the King, did under the colour of the said Office of Great Admiral of *England*, and by indirect and subtile means and practices, procure one of the principal Ships of his Majesties Navy-Royal called the *Vantguard*, then under the Command of Captain *John Pennington*, and six other Merchants Ships of great burden and value, belonging to several Persons inhabiting in *London*, the Natural Subjects of his Majesty, to be conveyed over with all their Ordnance, Munition, Tackle and Apparel, into the parts of the Kingdom of *France*, to the end that being there, they might the more easily be put into the hands of the French King, his Ministers and Subjects, and taken into their possession, command and power; And accordingly the said Duke by his Ministers and Agents, with menaces and other ill means and practices, did there without order of Justice, and without the consent of the said Masters and Owners, unduly compel and inforce the said Masters and Owners of the said six Merchants Ships, to deliver their said Ships into the said possession, command and power of the said French King, his Ministers and Subjects; and by reason of his compulsion, and under the pretext of his power as aforesaid, and by his indirect practices as aforesaid, the said Ships aforesaid, as well the said Ship Royal of his Majesty, as the others belonging to the said Merchants, were there delivered into the hands and command of the said French King, his Ministers and Subjects, without either sufficient security or assurance for redelivery, or other necessary caution in that behalf taken or provided either by the said Duke himself, or otherwise by his direction; contrary to the duty of the said Offices of Great Admiral, Governor-General, and Keeper of the said Ships and Seas, and to the faith and trust in that behalf reposed, and contrary to the duty which he oweth to our Soveraign Lord the King in his place of Privy-Counsellor, to the apparent weakening of the Naval strength of this Kingdom, to the great

An. 1626.

great loſs and prejudice of the ſaid Merchants, and againſt the liberty of thoſe Subjects of our Soveraign Lord the King that are under the Juriſdiction of the Admiralty.

Thoſe ſhips to be uſed to his knowledge againſt *Rochel*.

VIII. The ſaid Duke, contrary to the purpoſe of our Soveraign Lord the King, and his Majeſties known zeal for the maintenance and advancement of the true Religion eſtabliſhed in the Church of *England*, knowing that the ſaid Ships were intended to be imployed by the ſaid French King againſt thoſe of the ſame Religion at *Rochel* and elſwhere in the Kingdom of *France*, did procure the ſaid Ship Royal, and compel as aforeſaid the ſaid ſix other Ships to be delivered unto the ſaid French King, his Miniſters and Subjects as aforeſaid, to the end the ſaid Ships might be uſed and imployed by the ſaid French King in his intended War againſt thoſe of the ſaid Religion in the ſaid Town of *Rochel* and elſwhere within the Kingdom of *France*: And the ſaid Ships were and have been ſince ſo uſed and imployed by the ſaid French King, his Miniſters and Subjects, againſt them. And this the ſaid Duke did as aforeſaid in great and moſt apparent prejudice of the ſaid Religion, contrary to the purpoſe and intention of our Soveraign Lord the King, and againſt his duty in that behalf, being a ſworne Counſellor to his Majeſty, and to the great ſcandal and diſhonor of this Nation. And notwithſtanding the delivery of the ſaid Ships by his procurement and compulſion as aforeſaid, to be imployed as aforeſaid, the ſaid Duke in cunning and cautelous manner to mask his ill intentions, did at the Parliament held at *Oxford* in *Auguſt* laſt, before the Committee of both Houſes of Parliament, intimate and declare, that the ſaid Ships were not, nor ſhould they be ſo uſed and imployed againſt thoſe of the ſaid Religion as aforeſaid, in contempt of our Soveraign Lord the King, and in abuſe of the ſaid Houſes of Parliament, and in violation of that Truth which every man ſhould profeſs.

A B C

Theſe three Articles were aggravated by Mr. *Glanvile*.

Mr. *Glanvile* enlargeth the Sixth Article.

D

"MY Lords (ſaid he) In this great buſineſs of Impeachment againſt "the Duke of *Buckingham*, I am commanded by the Commons in "Parliament to bear a part of ſome importance.

"The Articles allotted to my Charge are three, the Sixth, Seventh, "and Eighth; which I ſhall open with as much brevity and perſpicuity "as I may: The ſubſtance of ſeveral Caſes concerning the fame; The "Evidence to make them good, together with ſuch Obſervations as na- "turally ariſe out of the matter; whereby your Lordſhips may the better "diſcern wherein the Dukes faults do conſiſt, and what puniſhment may "be anſwerable to ſuch offences.

E

"The Sixth Article is a diſtinct Charge different from the other "two; wherefore I will handle it, with the Incidents thereof, by it ſelf. "The Seventh and Eighth Articles being of one nature and ſubject, are "indeed ſeveral parts of one Charge, rather then ſeveral Charges, and "have ſuch a connexion in themſelves, that with your Lordſhips leaves "I will handle them both together without dividing them, which I hold "will be the ſhorteſt and fitteſt way to do right to the Cauſe, and to your "Lordſhips.

F

"The Sixth Article giveth me occaſion (my Lords) thus to enlarge "my ſelf. In a Treaty the 18. of *Auguſt* 1604. between our late Soveraign "King *James* of glorious memory, and *Philip* the Third King of *Spain*,

"It

2 *Caroli.*

"It was agreed, That there ſhould be perfect Amity and Peace to endure "for ever by Land, Sea, and Freſh-waters, between theſe Kings, their "Heirs and Succeſſors, their Dominions, Liege-men and Subjects then "being, or which ſhould be; And that either party ſhould then after ab- "ſtain from all depradations, offences and ſpoils, by Sea, Land, and "Freſh-waters, in what Dominions or Government ſoever of the other, "and ſhould cauſe reſtitution to be made of all depradations which then A "after ſhould be comitted, and the damages growing by means thereof; "And that the ſaid Kings ſhall take care that their Subjects ſhould from "thenceforth abſtain from all force and wrong-doing, and that they like- "wiſe ſhould revoke all Commiſſions and Letters-Patents of Repriſal or "Mart, or otherwiſe, containing Licence to take Prizes; All which are "declared by the ſaid Treaty it ſelf to be void, and that whoſoever ſhould "do any thing contrary ſhould be puniſhed not only criminally according "to the merit of his offence, but ſhould alſo be compelled to make reſti- B "tution and ſatisfaction for the loſſes to the parties damnified requiring "the ſame. Laſtly it was concluded, That between them and every of "their Subjects might be free Commerce in all the Dominions by Sea, "Land, and Freſh-waters, in which before the Wars there hath been "Commerce, and according to the uſe and obſervance of the antient "Leagues and Treaties before the Wars, the Cuſtoms as they were "at that preſent rated according to the Ordinance of the Places be- "ing paid.

C "This Treaty being ſetled and continuing, his late Majeſty King "*James* by his Highneſs Letters-Patents bearing date the 14. of *Sep-* "*tember*, *An.* 13. of his Reign, did grant unto the Governors of the Mer- "chants of *London* trading into the *Eaſt-Indies*, and to their Succeſſors, "in caſe they be juſtly provoked or driven thereunto, in defence of their "perſons, goods or ſhips, by any diſturbance or hinderance in their quiet "Courſe of Trade, or for recompence or recovery of the perſons, ſhips "or goods of any of his Majeſties Subjects that had been formerly in, D "or neer the *Eaſt-Indies*, or for any other juſt cauſe of their defence, or "recompence of loſſes ſuſtained; That then the Captains or principal "Commanders of the ſaid Company, or any other under their govern- "ment, ſhould or might attempt, ſurpriſe, or take the perſons, ſhips "and goods of any Prince or State, by whoſe Subjects they ſhould ſuſtain "any wrong or loſs in manner as aforeſaid, as by the ſaid Letters-Patents "appeareth: Some years after the granting of theſe Letters-Patents, under "pretext that the ſaid Treaty was broken, there was ſome interruption E "and violence offered by the King of *Spain's* Subjects in the Ports of *Eaſt-* "*India* to the Merchants of the *Eaſt-India* Company trading into thoſe "parts, whereby they were much damnified; and thereupon ſuſpecting "that it might be in vain to complain for redreſs in an ordinary courſe "of Juſtice in the *Eaſt-India*, or in default thereof to return into *Spain* "to make complaint to that purpoſe, where nothing was likely to be "done till they had ſent from thence again into the *Eaſt-Indies*, and "received an anſwer; And after all this, upon denial of Juſtice in *Spain*, F "to come into this Kingdom for Letters of Requeſt, without which in "ordinary courſe they ſhould not uſe Repriſal, and many years would "be ſpent before they could come to have an end of theſe ſuits; It is "true that thereupon, partly in their defence, and partly for amends, "and partly for revenge, they did by pretext of the ſaid Letters-Patents "take ſome goods of the *Portugals* in the *Eaſt-Indies*, Subjects to the

"King

An. 1626.

"King of *Spain*; and afterwards being commanded by the King of "*Persia* to transport certain Forces of his in *Ormus* an Island situate in "the Country of *Persia*, some goods of *Portugals* subjects to the King "of *Spain* were there taken by Captain *Blith* and Captain *Wedel*, and "others of their Company, being servants and in pay under the *East-*"*India* Company.

"In *July* 1623. Two ships called the *Lyon* and the *Jonas*, being "part of a Fleet belonging to the said Company, returned from *Ormus* A "aforesaid out of an East-Indian Voyage, and arrived in the *Downs* "richly laden with goods and merchandise lawfully belonging to the "said Company, and estimated to the value of One hundred thousand "pounds. The Duke of *Buckingham*, in or about *October* 1623. being "advertised thereof, well knowing the Company to be rich, and appre-"hending in himself a probable ground how he might exact and extort "some great sum of money from the said Company out of the profit of "these ships and their lading, by colour of his Office of Lord Admiral B "of *England*, and out of his power and greatness, his Office being used "for a groundwork of his design therein, did thereupon pretend that "the lading of the said ships was for the most part with goods Pyrati-"cally taken at Sea in the parts about *Ormus* aforesaid, and that a Tenth "part or some other great share thereof did belong to him in the right "of his said Office of Lord Great Admiral of *England*, and by vertue "of his Letters-Patents and Grant from his late Majesty in that behalf; "alleadging withall, howsoever the said Company might peradventure C "answer the matter, yet there would and might be strong opposition "against them. These words were used to possess them with fear, and to "make them stand in awe of his power, when he should come afterwards "particularly to press them to yield to his unjust demands. Having once "resolved of his ends, which was to get money, he thus proceeded to "effect the same. In the moneths of *November*, *December*, *January* and "*February* then next following, he had divers times Treaties by himself "and his Agents with the the then Governor and others of the said D "Company, for the effecting of his said designs; wherein he still un-"lawfully pretended that a Tenth part, or some other great share out of "the Lading of the said ships belonged unto him; albeit the said Com-"pany upon right information of their Cause to their Council, both "Civilians and Common-Lawyers, were advised that there did no "Tenths or other such shares belong to the said Duke, as he pre-"tended.

"And whereas the said Duke by this time finding that he could not E "prevail to get his Ends by any fair course, continued yet resolute to "make his gain upon the Company by right or wrong, as he might; "and to that purpose made use of the following opportunities and ad-"vantages, in such cunning and abusive manner as I shall further open "to your Lordships. The said Duke well knowing that the said Com-"pany had then four Ships, called the *Great James*, the *Jonas*, the *Star*, "and the *Eagle*, and two Pinaces called the *Spy* and the *Scout*, the said F "Ships and Pinaces, with their Victuals, Store and Ordnances, were "of the value of Fifty four thousand pounds and more, laden with "Lead, Cloth, and other Merchandise in them to the value of Twenty "thousand pounds and more, and having in them also about Thirty "thousand pounds in Royals of Spanish money, in all, One hundred "thousand pounds and more.

"These

2 Caroli.

" Theſe Ships and Pinnaces were well near ready to ſet ſail for a
" Voyage into the *Eaſt-Indies* by the firſt day of *March*, in the One and
" twentieth year of his ſaid late Majeſties reign; and he well-knowing
" how great a hinderance it would be to the ſaid Company, if the ſaid
" Ships and Pinnaces ſhould be ſtayed for any long time, the rather in
" regard if they did not ſet ſail about that time of the year, or within
" Twenty days after, they had utterly loſt their voyage for that year;
A " the reaſon thereof dependeth upon a Secret of Winds, called the *Man-*
" *ſounds*, which are conſtantly ſix moneths Eaſterly, and ſix moneths
" Weſterly every year at their ſet times in thoſe parts of *Africa*, about
" the Cape of *Bona Speranza*; (for of thoſe Winds, all Ships going from
" hence into the *Eaſt-Indies*, are to make their uſe in the uſual and due
" time, which yet cannot be done, if men take not their opportunity by
" coming to the Cape in their proper and due ſeaſon, and in ſo long and
" dangerous a voyage wherein the Equinoctial Line is twice to be paſſed,
B " it is no good diſcretion to ſtay the utmoſt time in going from hence, in
" confidence of fair Winds, but rather to take time enough before-hand,
" for fear of the contrary: Nor can the Lord Admiral of *England*, who
" is *Cuſtos marium domini Regis*, and hath juriſdiction of all Foreign parts
" *ſuper altum mare* be admitted to pretend himſelf ignorant of this Secret,
" or of any other particulars belonging to the Seas and Voyages.) The
" Duke therefore apprehending and well weighing how great a hinder-
" ance, or rather what an abſolute loſs it would be to the company if
C " theſe their Ships and Pinnaces of ſo great value, and bound forth in ſo
" inſtant, and difficult a voyage, ſhould be ſtayed for any long time now
" they were ready to ſet ſail, and the ſeaſon of going upon point to ex-
" pire: The ſaid Duke upon the ſaid Firſt day of *March*, 1623. to effect
" his deſigns upon the ſaid Company, and to get that by circumvention
" and ſurpriſal, which in a legal and due courſe of Juſtice he had not hopes
" to obtain: Not thinking it ſufficient, that the ſenſe of his diſpleaſure
" lying over the Company as an ominous cloud threatning a ſtorm, if
D " they did not appeaſe him by ſome great ſacrifice; and to caſt them
" yet further into a farther ſtreight, not ſparing to abuſe your Lordſhips
" in Parliament, by making you unwilling Inſtruments to give colour and
" advantage to his ſecret and unlawful practiſes. Upon the ſaid Firſt day
" of *March*, he put your Lordſhips ſitting in Parliament in minde, touch-
" ing the great buſineſs likely to enſue upon diſſolution of the then
" Treaties with *Spain*, and that a ſpeedy reſolution thereof was neceſſa-
" rily required, for that the Enemy would pretermit no time; and if we
E " ſhould loſe the benefit of that Spring, he ſaid it would be irrevok-
" able; and thereupon he took occaſion to move that Houſe, Whether
" he ſhould make ſtay of any ſhipping that were then in the Ports (as be-
" ing High Admiral he might) and namely, the ſaid Ships prepared for
" the *Eaſt-Indian* Voyage, which were of great burthen, well furniſhed,
" and fit to guard our own Coaſts: Which motion was generally ap-
" proved of the whole Houſe, knowing nothing of the Dukes ſecret
" deſigns and private intentions. And the ſame day a Motion was made
" amongſt the Commons in Parliament to the ſame effect by Sir *Edward*
F " *Seymour* Knight, the Vice-Admiral to the Duke of the County of
" *Devon*; which, in reſpect of the time when, and perſon by whom it
" was propounded, is very ſuſpitious, that it iſſued all from one Spirit,
" and that he was ſet on by the Duke, or ſome of his Agents; the truth
" whereof, your Lordſhips may be pleaſed to ſearch out and examine as

An. 1626.

"you ſhall ſee cauſe. By colour of this Order of the Lords Houſe of Parliament, the Duke cauſed *John Pexal*, Marſhal of the Admiralty, to "make ſtay to be made of the ſaid Ships and Pinnaces; howbeit, notwithſtanding all the occaſion pretended for the defence of the Realm, "there were not any other Ships ſtaid at this time.

"The Company perceiving by the courſe of things, from whence "their Evils moved, upon the Fifth of *March*, 1623. became earneſt "Suitors to the ſaid Duke for a Releaſement of their ſaid Ships and Pinnaces, whereunto the ſaid Duke replied, That he had not been the cauſe "of their ſtay; but having heard the Motion in the Lords Houſe, he "could do no leſs then order as they had done: Yet to incline his ends, and "put them in ſome hope of favor by his means, he told them withal, That "he had ſomething in his Pocket that might do them good, and willed "them to ſet down what Reaſons they would for their Suit, and he would "acquaint the Houſe therewith: Nevertheleſs about this time he preſumed of himſelf at *Theobalds* to give leave for the Ships and Pinnaces "to fall down as far as *Tilbury*, there to attend ſuch further Directions as "ſhould be given unto them, with leave ſo to ſignifie by word of mouth to "the Serjeant of the Admiralty, for that the Duke had then no Secretary "with him. Thus ſome while by threatning of ſtrong oppoſitions and "terrors, and other while by intimating hopes of favor, and good aſſiſtance, the Duke ſought to accompliſh his purpoſe, yet prevailed not; "and ſo the Tenth of *March*, 1623. the Kings Advocate, Mr. Dr. *Reeves*, "as Advocate for the King, and Lord Admiral, made Allegation in the "Admiralty on the Dukes behalf; and by his procurements, that it appeared by Examinations there taken, that 150000 l. and more Pyratically taken by the ſaid Captain *Blith*, and *Wedel*, and their Complices "upon the Sea near *Ormus*, and in other parts within the juriſdiction of "the Admiralty, was come into the Poſſeſſions of the Treaſurers of the "*Eaſt-India* Company, and remained in their hands, and prayed it might "be attached; and the ſaid Treaſurers be moniſhed to appear the Wedneſday then next following, and there to bring in the 150000 l. to remain in Depoſit with the Regiſter of that Court.

"The ſame Tenth of *March* a Warrant iſſued forth accordingly, directed to the Marſhal of the ſaid Court; and upon the ſaid next Wedneſday the Seventeenth of *March*, the ſame Warrant was returned by "the ſaid Marſhal, That the day before he had attached the ſaid Moneys "in the hands of Mr. *Stone*, then preſent in the Court, and had admoniſhed him, and Mr. *Abbot* the Deputy-Governor of that Company, "and divers others then preſent, to bring in the ſame into Court. Upon "the ſame Wedneſday alſo it was prayed by the Kings Advocate, That "Mr. *Stone* and all that had an intereſt in this money, might be pronounced as in Contumacy, and therefore be areſted and detained until "150000 l. were brought into the Regiſter. Hereupon Sentence of "Contumacy was pronounced, but the payment thereof was reſpited "until Friday following. Upon which Seventeenth of *March* this Sentence being pronounced, Mr. *Stone*, Mr. *Abdy*, and others, Officers "of the ſaid Company then preſent, informed how the Governor was "lately dead, and buried but the day before, and that upon Wedneſday "then next following, they had appointed a Court for Election of a new "Governor, and until then they could reſolve of nothing, and therefore deſired further reſpite. The Advocate nothing relenting at this "reaſonable excuſe, and deſire of the Company, did again earneſtly preſs "their

2 *Caroli.*

"their Impriſonment; but the Judge took time to conſider of it. The "Company finding by theſe extraordinary and extream courſes, the "drift of the Duke, whoſe greatneſs and power ſeemed unreſiſtable, and "his minde implacable without ſatisfaction to his own content, and with- "al obſerving what a ſtreight they were caſt into by reaſon of the ſtay of "their Ships; which, if it were much longer, they muſt needs loſe their "Voyage utterly for this year, and the very unloading of them would "endamage them to the value of the ſum extorted: And being told that "the Eye of the State was upon this buſineſs, and that it would light "heavy upon them; and hearing the Duke proteſt their Ships ſhould "not go, unleſs they compounded with him, and finding that he made "difficulty of releaſing their Ships, by ſaying, The Parliament muſt be "moved before they could be diſcharged, albeit the wind were now fair "for them. And making overture of ſome reaſonable grounds of com- "poſition, by offering to grant Letters of Mart to the ſaid Company for "the future againſt the Subjects of the King of *Spain*, while yet the "Peace and Treaty between his late Majeſty, and the King of *Spain*, "were not broken or diſſolved.

"The ſaid Company being intangled by the Dukes ſubtilty, and "overcome at laſt by the terror of his power and greatneſs, was drawn "to make offer of Six thouſand pounds to the ſaid Duke, which was "rejected as a baſe offer: And now the time preſſing them on very hard, "ſome conſultations were had amongſt them, Whether it were better "for them to make uſe of a clauſe in their Patent, allowing them three "years to draw home their Eſtates; and ſo to let their Company die, "and be diſſolved, or elſe to yeild to the Dukes deſire: Yet in concluſi- "on they were drawn in to offer him Ten thouſand pounds for their peace, "if it could ſerve, which offer was made unto him accordingly, but at "firſt he would not accept it; howbeit, about the Three and twentieth "of *March*, 1623. they agreed to give him the ſaid Ten thouſand pounds, "which he accepted, and forthwith moving the Lords of Parliament, "or acquainting them therewith, he retracted their Ships, and gave "them leave to depart on their Voyage, which they accordingly did, "ſetting ſail the Seven and twentieth day of the ſame moneth from the "*Downs*. And afterwards upon the Fifth of *April*, 1624. the Duke ſig- "nified unto the Lords Houſe of Parliament, That his Majeſty at the "humble Petition of the *Eaſt-India* Company, had commanded him to "diſcharge the *Eaſt-Indian* Ships, which he had once ſtayed according to "the order of this Houſe, made the Firſt day of *March* then laſt paſt, "and moved, That the ſaid Order might be countermanded; and there- "upon it was ordered; that the Clerk of that Houſe ſhould croſs the ſaid "Order of the Firſt of *March*, out of his Book, which was done accord- "ingly, and afterwards the ſaid Ten thouſand pounds was paid unto the "ſaid Duke; which he received and accepted accordingly. And upon "the Eight and twentieth of *April* aforeſaid, ſuffered a colourable Sen- "tence in the Admiralty to be given againſt him for their diſcharge, in "ſuch ſort, as by the ſame Sentence appeareth. And for a colour he ſeal- "ed and delivered unto the ſaid Company, a Deed of Acquittance or Re- "leaſe of the ſaid Ten thouſand pounds, and of all his pretended rights "againſt them, as by the Deed thereof alſo appeareth. And whereas it "may be imagined by ſome miſconceit, that out of this Aſperſion may "be laid upon his late Majeſty, in regard the Duke was pleaſed to ſay in "the Conference between both Houſes, 18 *March* laſt, That the ſaid King

An. 1626.

"had Ten thouſand pounds of the ſaid Company by occaſion of this "buſineſs. The Houſe of Commons have been very careful in their "proceedings in this, as in all other things they have, and ever ſhall be, "to do nothing which may reflect upon the Honor of their Kings: And "in this particular, by that which hath been here at firſt declared of the "manner and occaſion of the ſaid Goods and Moneys taken from the ſaid "*Portugals*, and receiving the ſame as aforeſaid, while the ſaid Peace "was continuing, and the ſaid Treaties indiſſolved; it appeareth, that A
"it had not been ſafe for the ſaid Company to ſtand out a Suit concern-
"ing that buſineſs, wherein they might have need of his Majeſties
"Mercy and Pardon, but it was both ſafe and good for them to give Ten
"thouſand pounds; and it well ſtood with his late Majeſties Honor, for
"that ſum to grant them a Pardon, which he did to their great content-
"ment and ſatisfaction; and yet we finde that this Ten thouſand pounds
"alſo was paid into the hands of Mr. *Oliver*, the Dukes ſervant, but
"finde not any Record, by which it doth appear unto us, that ever it came B
"unto his late Majeſties uſe. And it is obſervable in this caſe, That the
"oppreſſion fell upon the ſame Company ſhortly after the great affliction
"which hapned unto ſome of them at *Amboyna* in the *Eaſt-Indies*, by
"means of the Dutch, which might have moved a Noble minde rather
"to pitty, then puniſh the Company after ſuch a Diſtreſs ſo lately
"ſuffered.

"Having now finiſhed the Narrative part belonging to this Charge, C
"I ſhall obſerve unto your Lordſhips upon the whole matter, the nature
"of the Dukes offences by this Article complained of, and what puniſh-
"ment it may deſerve. His fault conſiſteth in the unjuſt extorting
"and receiving the Ten thouſand pounds from the *Eaſt-India* Company
"againſt their wills by colour of his Office. Yet as offenders in this
"kinde, have commonly ſome colour to diſguiſe and mask their Corrup-
"tions, ſo had he: His colour was the Releaſe of his pretended right to
"the Tenth part, or ſome other ſhare of the Goods, ſuppoſed to be D
"Piratically taken at Sea by the Captain, and their Servants of the
"Company: And though his Lordſhip may perhaps call his act therein,
"a lawful Compoſition, I muſt crave pardon of your Lordſhips to ſay
"thus, That if his ſuppoſed right had been good, this might peradven-
"ture have been a fair Compoſition: The ſame pretence being unſound,
"and falling away, it was a meer naked Bribe, and unjuſt extortion; For
"if way ſhould be given to take money by colour of Releaſes of pre-
"tended rights, men great in power, and in evil, would never want means
"to extort upon the meaner ſort at their pleaſures with impunity. It re- E
"mains therefore that I ſhould prove unto your Lordſhips onely two
"things: Firſt, That a pretence of right by the Duke, if he had none, will
"not excuſe him in this caſe; and in the next place, to ſhew by reaſon
"and good warrant, That he had in Law no right at all to Releaſe.

"For the former, I will relie upon the ſubſtance of two noteable pre-
"ſidents of Judgments in Parliament, the one antient in the 10 *Rich.* 2.
"At which time the Commons preferred divers Articles unto the Lords
"in Parliament againſt *Michael de la Pool*, Earl of *Suffolk*, Lord Chancel- F
"lor of *England*, accuſing him amongſt other things by the firſt Article
"of his Charge, That while he was Lord Chancellor he had refuſed to
"give Livery to the cheif Maſter of St. *Anthonies*, of the profit pertain-
"ing to that Order, till he had ſecurity from them, with Sureties by Re-
"cogniſance of Three thouſand pounds, for the payment of One hundred

"pounds

2 *Caroli.*

" pounds *per annum* to the Earl, and to *John* his Son, for their lives.
" The Earl by way of Anſwer, ſet forth a pretended Title in his Son, to
" the cheif Maſterſhip of that Order, and that he took that One hundred
" pound *per annum*, as a Compoſition for his Sons right. The Commons
" replied, ſhewing amongſt other things, That the taking of Money for
" that which ſhould have been done freely, was a ſelling of the Law, and
" ſo prayed Judgment. In concluſion, the pretended right of his Son
A " not being juſt, or approved, the offence remained ſingle by it ſelf a ſale
" of Law and Juſtice, as the Law termeth it, and not a Compoſition for
" the Releaſe of his Intereſt. So the Earl for this, amongſt the reſt, was
" ſentenced and greatly puniſhed, as by the Records appeareth.

" The other Preſident of like nature, is more Modern in the Caſe of
" the Earl of *Middleſex*, late Lord Treaſurer of *England*, who was charged
" by the Commons in Parliament, and tranſmitted to your Lordſhips for
" taking of Five hundred pounds of the Farmers of the Great Cuſtoms,
B " as a Bribe for allowing of that Security for payment of their Rent to
" the late Kings Majeſty, which without ſuch reward of Five hundred
" pounds, he had formerly refuſed to allow of. The Earl pretended for
" himſelf, That he had not onely that Five hundred pound, but Five hun-
" dred pounds more, in all One thouſand pounds, of thoſe Farmers for
" a Releaſe of his Claim, to Four of Two and thirty parts of that Farm:
" But upon the proof, it appearing to your Lordſhips, That he had not
" any ſuch part of that Farm as he pretended, it was in the Thirteenth day
C " of *May*, in the Two and twentieth year of his late Majeſties reign, Ad-
" judged by your Lordſhips in Parliament (which I think is yet freſh in
" your Memories) That the Earl for this, amongſt other things, ſhould
" undergo many grievous Cenſures, as appeareth by the Records of your
" Lordſhips houſe, which I have lately ſeen and peruſed.

" And now being to prove, that the ſaid Duke had no title to any
" part of the Goods by him claimed againſt the *Eaſt-India* Company, I
" ſhall eaſily make it manifeſt, if his Lordſhips pretence by his own Alle-
D " gation in the Admiralty were true; That the Goods whereof he claims
" his ſhare, were Piratically taken. From which Allegation, as he may
" not now recede, ſo is it clear by Reaſon and Authority, That of ſuch
" Goods, no part or ſhare whatſoever is due to the Lord Admiral in right
" of his Office, or otherways.

1. " For that the parties from whom the ſame were taken, ought to
" have reſtitution, demanding it in due and reaſonable time; and it were
" an injury to the intercourſe, and Law of Nations, if the contrary ſhould
E " be any way tolerated.

2. " Secondly by Law; for ſo are the Statutes of this Kingdom, and
" more eſpecially in 27 *Edw.* 3. 13. whereby it was provided, That if any
" Merchant, privy or ſtranger, be robbed of his Goods upon the Sea, and
" the ſame come afterwards into this Realm, the owner ſhall be received
" to prove ſuch Goods to be his, and upon proof thereof, ſhall have
" the ſame reſtored to him again.

" Likewiſe, 1, 2, 3 *Edw.* 6. 18. in the Act of Parliament, touching Sir
" *Thomas Seymour*; Great Admiral of *England*, who therein amongſt divers
F " other things is charged with this, That he had taken to his own uſe
" Goods Piratically taken againſt the Law, whereby he moved almoſt
" all Chriſtian Princes to conceive a grudge and diſpleaſure, and by
" open War to ſeek remedy by their own hands: And therefore for
" this, amongſt other things, he was attainted of High Treaſon, as

" appeareth

An. 1626.

"appeareth by that Act wherein the Law is ſo declared to be as before is "expreſſed.

"But if it ſhould be admitted, that the Duke had a right in this caſe, "for which he might compound; yet the manner of his ſeeking to try "and recover ſuch his right, is in it ſelf an high Offence, and clearly un- "lawful in many reſpects, whereof I will touch but a few. As in making "the moſt Honorable Houſe of Parliament an Inſtrument to effect his "private ends for his profit: In proceeding to areſt and ſtay the Ships of A "men not apt to flie, but well able to anſwer and ſatisfie any juſt Suits "which he might have againſt them, though their Ships had gone on in "their Voyage: In proſecuting things ſo unſeaſonably, and urging them "ſo extreamly by his Advocate, for bringing in of ſo great a ſum of "money upon the ſudden, and formally under colour of Juſtice and Ser- "vice of the State: In reducing that Company into that ſtraight and "neceſſity, that it was as good for them to compound, though the Duke "had no title; as to defend their own juſt right againſt him upon theſe B "diſadvantages, which by his power and induſtry he had put upon "them.

Then he read the Seventh and Eighth Articles, which he handled joyntly, as being not two Charges, but two ſevearl parts of one and the ſame Charge; and when he had read them, he went on ſpeaking further to their Lordſhips, as followeth.

C

Mr. *Glanvile* inlarges the Seventh and Eighth Articles.

"YOur Lordſhips may have obſerved how in handling the former Ar- "ticles, I have in my Diſcourſe uſed the method of time, which I "hold to be beſt for the diſcovery of the truth: I ſhall therefore by your "Lordſhips patience, whereof now I have had ſome good experience, "uſe the like order in my enlargment upon theſe later Articles; touching "which, that which I have to ſay, is thus.

"In or about the Two and twentieth year of the reign of our late D "dear Soveraign Lord King *James* of famous memory, there being then "a Treaty between our ſaid late Soveraign and the French King, for a "Marriage to be had between our then moſt Noble Prince (now our "moſt gratious King) and the French Kings Siſter (our now Queen) "and for entring into an Active War againſt the King of *Spain*, and his "Allies in *Italy*, and the *Valtoline*. Our ſaid late Soveraign paſſed ſome "promiſe to the French Kings Ambaſſador here, the Marqueſs *D' Effiat*, "for procuring or lending ſome Ships to be employed by the French in E "that Service, upon reaſonable conditions; but without thought or in- "tent that they ſhould be employed againſt the *Rochellers*, or any others "of our Religion in *France*: For it was pretended by the French Kings "Miniſters to our King, That the ſaid Ships ſhould be employed particu- "larly againſt *Genoa*, and not otherwiſe. But afterwards ſome matter of "Suſpition breaking forth from thoſe of our Religion in *France*, that "the Deſign for *Italy* was but a pretence to make the Body of an "Army fall upon the *Rochellers*, or other of our Religion in that King- F "dom; the King grew ſo cautious in his Conditions, that as he would "perform his promiſe to lend his Ships, ſo to preſerve thoſe of our "Religion, he contracted or gave directions, that the greater part of "the Men in the ſame Ships ſhould be Engliſh, whereby the power "of them ſhould be ever in his hands.

"And

2 *Caroli.*

"And the Duke of *Buckingham* then and yet Lord Great Admiral of "*England*, well knowing all this to be true, pretended he was and would "be very careful, and proceed with art to keep the ſaid Ships in the "hands of our King, and upon our own Coaſts; and yet nevertheleſs "under hand he unduly intended, practiſed, and endeavored the contrary: "For afterwards by his direction or procurement in or about the Two and "twentieth year aforeſaid, a Ship of his Majeſties called the *Vantguard*, A "being of his Majeſties Royal Navy, was allotted and appointed to be "made ready for the ſervice of the French King, and ſeven other Mer-"chants Ships of great burthen and ſtrength, belonging to ſeveral per-"ſons Natural Subjects of our ſaid late Soveraign Lord, were by the "Dukes direction impreſſed as for the ſervice of his ſaid late Majeſty, and "willed to make themſelves ready accordingly. The Names and Tun-"age of the ſaid Seven Merchants Ships were as followeth.

B 1. "The Great *Neptune*, whereof Sir *Ferdinando Gorge* was Captain.
2. "The *Induſtry*, of the burthen of Four hundred and fifty Tuns, "whereof *James Meyer* was Captain.
3. "The *Pearl* of Five and forty Tuns, *Anthony Tench* was Captain.
4. "The *Marigold* of Three hundred Tuns, *Thomas Davies* Captain.
5. "The *Loyalty* of Three hundred Tuns, *Faſper Dare* Captain.
6. "The *Peter* and *John* of Three hundred and fifty Tuns, *John Davies* Captain.
C 7. "The *Gift of God* of Three hundred Tuns, *Henry Lewen* Captain.

"Alſo about the ſame time a Contract was made by and between "Sir *John Cooke*, and other the Commiſſioners of his Majeſties Navy, "as on behalf of his Majeſty for his ſaid Ship the *Vantguard*, and on be-"half of the Captains, Maſters, and Owners of the ſaid Seven Merchants "Ships, but without their privity or direction for the ſervice of the French "King, upon conditions to be ſafe and reaſonable for our King, this D "Realm, and State; as alſo for the ſaid Captains, Maſters, and Owners "of the ſaid ſeven Merchants Ships, and for the Companies. For Sir "*John Cooke* drew the Inſtructions for the Direction of the ſaid Contract, "which Inſtructions paſſed and were allowed by the King, and ſuch of "the Council, as were made acquainted therewith, and uſed in this buſi-"neſs. In which Inſtructions, as Sir *John Cooke* hath ſince alleaged in "the Houſe of Commons, there was care taken for proviſion to be "made, that the ſaid Ship of his Majeſty called *Vantguard*, ſhould not E "ſerve againſt the City or Inhabitants of *Rochel*, or thoſe of the Religion "in *France*, nor take into her more men of the French then ſhe could "from time to time be well able to command and maſter. But whether "the Inſtructions for the Merchants Ships, and the Kings ſaid Ship were "all one, is not yet cleared unto the Commons, howbeit it appeareth not, "but that the intent of our King and State, was to be a like careful for "both. Nevertheleſs a Form of Articles dated the Five and twentieth "day of *March*, in the Three and twentieth year of his ſaid late "Majeſties raign, was prepared, ingroſſed, and made ready to be F "ſealed without the knowledge of the Captains, Maſters, and Owners "of the ſaid Merchants Ships, between the ſaid Marqueſs *D' Effiat* "the Ambaſſador, on the one part, and the ſeveral Owners of the "ſaid Merchants Ships reſpectively on the other part, *viz.* A ſeve-"ral Writing or Inſtrument for every of the ſaid Ships reſpectively;

"whereby

An. 1626.

"whereby amongſt other things, as by the ſame appeareth, it was covenanted and agreed, by and on the part and behalf of the owners, to "and with the ſaid Marqueſs *D' Effiat*, to this effect, namely.

"1. That their ſaid Ships reſpectively, with a certain number of "men for every of them limitted, with Ordnance, Munition, and other "neceſſaries, ſhould be ready for the French Kings ſervice, the Thirteenth "of *April* then next following. A

"2. That they ſhould go on in that Service under a French General, "to be as Captain in every of the ſaid Merchants Ships reſpectively; of "the appointment of the French King, or his Ambaſſador.

"3. That they ſhould ſerve the French King againſt any whomſoever, but the King of *Great Britain*.

"4. That they ſhould take in as many Soldiers into their ſaid ſeveral Ships, as they could ſtow or carry, beſides their Victual and Apparel.

"5. That they ſhould continue ſix moneths or longer in the Ser- B "vice, ſo that the whole time did not exceed eighteen moneths.

"6. That they ſhould permit the French to have the abſolute Command of their Ships, for Fights and Voyages.

"And it was amongſt the ſaid Articles, beſides other things, Covenanted and agreed by the ſaid Marqueſs *D' Effiat*; as, for and on the "behalf of the French King, to this effect, namely.

"I. That there ſhould be paid to every owner a moneths freight in C "hand, after the rate agreed on; and freight for two moneths more after "the ſame rate, within Fifteen days after the date of the Articles; the "computation of the moneths to begin from the 28 of *March*.

"II. And that the Ships ſhould be ready in a certain form preſcribed "at the end of the Service.

"When all things were in a readineſs for circumvention and ſurpri- "ſal of the Owners, Captains, and Maſters of the ſaid Ships, then and D "not before, they were ſuddenly preſſed to Seal the Countreparts of the "prepared Articles; and they were about the ſame time releaſed and diſcharged from the Impreſt of his Majeſties Service, and acquainted and "deſigned to ſerve the French King, the ſaid three moneths pay being "offered, and afterwards paid unto them before-hand, as a bait to draw "on and intangle them in the buſineſs. Nevertheleſs, the Captains and "Owners of the ſaid Merchants Ships doubted upon ſome points (to wit) "firſt, Againſt whom they ſhould be employed? ſecondly, What Foreign E "power they ſhould be bound to take into their Ships? and thirdly, "What ſufficient ſecurity they ſhould have for their freight, and redelivery "of their Ships.

"But there were private Inſtructions given to Captain *John Pennington*, Captain of the Kings Ship, the *Vaunguard*; as for him and the "whole Fleet, that he ſhould obſerve the firſt Inſtructions, to wit, Not "to ſerve againſt thoſe of the Religion, and to take into his Ship no more "Frenchmen then they could maſter. The pretence for *Genoa*, and theſe F "private Inſtruments for *Pennington*, were but a further Artifice of the "Dukes to draw the Ships into *France*, and to conceal the breaking forth "of the matter here in *England*: And the more to endear them, and confirm them in an opinion of right intention, they were commanded to "conceal theſe private Inſtructions, as if the Duke and his Agents haſt

"truſted

2 *Caroli.*

"truſted them more then they did the Ambaſſadors. By theſe and other
"like cunning and undue proceedings of the ſaid Duke, the ſaid Marquis
"*d' Effiat* ſealed one part, and the Owners of the ſaid Merchants ſhips
"reſpectively ſealed the other parts of the ſaid pretended Articles, truſt-
"ing they ſhould not be bound to the ſtrict performance thereof, by rea-
"ſon of the ſaid private Inſtructions to the contrary. After the paſſing of
"theſe Articles, the ſaid ſhips being formerly ready, the ſaid Duke *May* 8.
A "1625. made a Warrant under the Great-Seal, to call the Companies
"aboard which had been raiſed and fitted for the ſaid French ſervice, ac-
"cording to former Inſtructions, and with firſt opportunity to go to ſuch
"Port as the French Ambaſſador ſhould direct, *&c.* there to expect Di-
"rections of the Party that ſhould be Admiral of the ſaid Fleet ſo prepa-
"red, with a requiry of all Officers to be aſſiſtant hereunto.

"All things being now in readineſs, Captain *Pennington* being
"Admiral of this whole Fleet, in *May* 1625. went with the Kings ſaid
B "ſhip the *Vanguard*, and the ſeven Merchants ſhips aforeſaid to *Diep*
"in *France*: There inſtantly the Duke of *Memorancy*, Admiral of *France*,
"would have put Two hundred French Souldiers aboard the ſhip called
"the *Induſtry*, being no more men then ſhe could ſtow, but a far greater
"proportion of men then her proper Company was able to command
"or maſter; and offered alſo to do the like to every one of the ſaid ſhips;
"telling the ſaid Captain *Pennington*, and other the ſaid Engliſh Captains
"and Owners, and their Companies in direct tearms, that they were to
C "go, and ſhould go to ſerve againſt the City and Inhabitants of *Rochel*,
"and againſt thoſe of our Religion: whereunto they all ſhewing them-
"ſelves unwilling, there were Chains of Gold, and other Rewards offer-
"ed unto ſome of the Captains, Maſters and Owners, to induce them: All
"which they utterly refuſed, proteſting unanimouſly againſt the Deſign,
"and would not take in above a fit number of men, ſuch as they might
"be able to command.

"Alſo the Company of the Kings ſhip did there inform Captain
D "*Pennington* of this Overture made to go againſt *Rochel*, and exhibited a
"Petition to him againſt the ſame, ſubſcribing their names to the Petiti-
"on in a Circle or Compaſs, that it might not appear who was the begin-
"ner of the ſame, and then they laid it under his Prayer-book, where he
"found and read it. Whereupon Captain *Pennington* and the reſt con-
"ſulted more ſeriouſly of the matter, and by a general aſſent returned all
"back to the *Downs*, where they arrived about the end of *June*, or begin-
"ning of *July* 1625. From thence Captain *Pennington* ſent a Letter to
E "the Duke of *Buckingham* by one *Ingram*, with the ſaid Petition, and im-
"ployed him to become a Suitor to get a diſcharge from ſerving againſt
"*Rochel*: *Ingram* delivered the Letter to the Duke, and ſaw him read it,
"together with the ſaid Petition; whereby, as by other former and later
"means, he had full notice of the Deſign, and intent of the French to go
"againſt the Rochellors: *James Moyer* alſo about the ſame time came to
"the Court, and had conference with my Lord *Conway* and Sir *John Cook*,
"(now Secretary) acquainting them what had paſſed at *Diep*, praying
F "them to acquaint the Duke, which they did, and the Duke delivered the
"ſaid Letter and Petition to Sir *John Cook*. The Duke of *Chevereux* and
"Monſieur *de Villocleer* being now come into *England*, as extraordinary
"Ambaſſadors from the French King, they and the ſaid Marquis *d' Effiat*,
"more eſpecially *d' Effiat*, ſollicited and got a Letter from the Lord *Con-*
"*way* by the Dukes means, dated *July* 10. 1625. directed to Captain

An. 1626.

"*Pennington*, whereby he took upon him to expreſs and ſignifie his "Majeſties pleaſure to be, That his Majeſty had left the command "of the ſhips to the French King, and that now Captain *Pennington* "ſhould receive into them ſo many men as that King ſhould pleaſe for "the time contracted, and recommended his Letter to be as a ſufficient "Warrant in that behalf. All this while the King or Body of the Coun- "cil were never made acquainted with any other deſign then that of *Genoa*, "nor heard any thing of the paſſages at *Diep*, nor of the deſign for *Rochel*, "nor of our Maſters & Companies Petitions, Informations or Complaints "thereupon. This Letter of the Lord *Conways* was ſent by *Parker* from "*Hampton-Court* unto *Pennington*, being now about the *Downs*, and was "not long after delivered into his hands. About this time Monſieur *de la* "*Touche*, and others, as from the Duke *de Rohan*, and others of the Prote- "ſtant party in *France*, ſollicited our King and Council againſt the going "of the ſhips, and had good words and hopes from both, but from the "Duke the contrary, who told them, the King his Maſter was obliged, "and ſo the ſhips muſt and ſhould go.

"The ſhips remained ſtill in the *Downs*, and afterwards, *viz.* about "*July* 15. 1625. there was a Treaty at *Rocheſter* between the three Am- "baſſadors Extraordinary of *France*, and *James Moyer*, and *Anthony Tou-* "*chin* for themſelves and other Engliſh Captains and Maſters of ſhips, *&c.*

"The ſaid *Moyer* and *Touchin* being by Meſſage commanded to attend "the Duke of *Buckingham* at *Rocheſter*, for concluſion and ſettlement to "be had of this buſineſs, the ſaid Ambaſſadors did there proffer and offer "to the ſaid *Moyer* and *Touchin* an Inſtrument in French purporting "thus; *viz.*

1. "That the ſaid Engliſh Captains and their Companies ſhould con- "ſent and promiſe to ſerve the French King againſt all, none excepted "but the King of great *Britain*, in conformity of the Contract formerly "paſſed between *d' Effiat* and them.

2. "That they ſhould conſent and agree, in conſideration of the aſſu- "rance given them by the Ambaſſadors, to the Articles of *March* 25. "1625. whereby the French King ſhould be made Maſter of the ſaid "ſhips by indifferent Inventory; that then they ſhould by him be warrant- "ed againſt all hazards of Sea-fight, and if they miſcarried, then the "value thereof to be paid by the French King, who would alſo confirm "this new Propoſition within fifteen dayes after the ſhips ſhould be deli- "vered to his uſe by good caution in *London*.

3. "That if the French King would take any men out of the ſaid ſhips, "he might, but without any diminution of freight for or in reſpect "thereof.

"The ſaid *James Moyer* having gotten the French Inſtrument interpre- "ted, anſwered, 1. they would not go to ſerve againſt *Rochel*; 2. nor ſend "their ſhips, without good warrant for their going; and 3. not without ſuf- "ficient ſecurity to their liking for payment of their freight, and reddition "of their ſhips, or the value thereof; for the Ambaſſadors ſecurity was "by them taken not to be ſufficient, and they proteſted againſt it, and ut- "terly refuſed this peraffected Inſtrument: Here alſo Sir *John Epſley* and "Sir *Thomas Love* diſſwaded the Duke from this enterpriſe, telling him, "he could not juſtifie nor anſwer the delivery of the ſhips to the French.

"The Lord Duke being at *Rocheſter*, and there acquainted with all theſe "proceedings, commanded the ſaid *Moyer* and the reſt, before theſe Ambaſſadors,

2 Caroli.

"Ambaſſadors, that they ſhould obey the Lord *Conways* Letter, and re-
"turn to *Diep* to ſerve the French, and that ſo was our Kings pleaſure;
"howbeit herein his Majeſties pleaſure appeared not, but the contrary:
"yet privately at the ſame time the Duke told them, that the ſecurity
"offered or formerly given by the Ambaſſador, was inſufficient, and
"that though they went to *Diep*, yet they might and ſhould there keep
"their ſhips in their own power till they had made their own conditions
A "to their own liking. *July* 16. 1625. The Duke of *Chevereux* and
"Monſieur *Villocleox* finding that they could not accompliſh their deſigns
"at *Rocheſter*, but they muſt be fain to defer the getting thereof till the
"coming of the ſhips back again to *Diep*, where it was thought that
"better opportunity and more advantage for their ends would be had,
"did to that purpoſe make and ordain the Marquis *d' Effiat* their Deputy
"to contract with the Captains and Maſters of the Engliſh ſhips for the
"French Kings ſervice, as effectually as themſelves might do, thereby
B "transferring their power in that behalf to the ſaid *d' Effiat*, who intended
"to go over to *Diep* forthwith about this buſineſs. The Duke of *Buck-*
"*ingham* having thus the ſecond time dealt with the Captains and Maſters
"to go to *Diep*, and armed and prepared *d' Effiat* how and in what manner
"there to circumvent them, ſent over to *Diep* privately, and under-
"hand, his Secretary Mr *Edward Nicholas*, together with *d' Effiat*. Mr
"*Nicholas* at and before the going over, had Inſtructions from the
"Duke by word to ſee the execution of the Kings pleaſure ſignified
C "by the Letter from my Lord *Conway*, and to procure the Captains
"and Maſters of the ſaid Merchants ſhips to deliver over their ſhips
"into the hands of the French, upon the ſecurity peraffetted at *Ro-*
"*cheſter* by the three French Ambaſſadors, and by them delivered to the
"Duke of *Buckingham*, who committed the ſame to the ſaid Mr *Ni-*
"*cholas*, as the ſecurity which in that behalf he was to take and
"accept. Mr *Nicholas* according to thoſe Inſtructions, went to *Diep* with
"*d' Effiat*, and was there very urgent to get the ſhips delivered to
D "the French, according to the ſaid Inſtructions at their coming over
"to *Diep*: *d' Effiat* entred a Suit and Proteſt againſt our Captains
"and Maſters, and their original Articles, the better to enforce them
"to perform the ſame, without reſpect to the Dukes verbal preten-
"ces or Allegations made to the Captains and Maſters at *Rocheſter*, and
"in other places formerly to the contrary.

"The Captains and Maſters came over again to *Diep* about *July* 20.
"where they found themſelves in a ſtrait by reaſon of the ſaid Pro-
E "teſt there entred againſt them, the Dukes inſtructions by word be-
"ing too weak to exempt them from obtaining their Contract under their
"Hands and Seals; alſo Mr *Nicholas* uſing the Kings name with threat-
"ning words, was there very earneſt from day to day, and very ve-
"hemently preſſed them to deliver over their ſhips before ſecurity
"given to their content, contrary to the former Propoſition, (*viz.* the
"Lord Dukes word to them at *Rocheſter*) which they refuſing to yeild un-
"to, Advertiſement thereof was ſpeedily ſent to the Duke of *Buckingham*,
F "and to his Agents into *England*, and Mr *Nicholas* continued ſtill at *Diep*
"about his former Negotiation.

"*July* 27. 1625. Sir *Ferdinando Gorge*, *Anth. Touching*, *James Moyer*
"*Henry Lewen*, *Tho. Davies*, *Faſp. Dard*, and *James Davies*, as owners and
"Captains of the ſaid ſeven Engliſh ſhips hired for the French, did expreſs
"in writing, that they held it fit they ſhould not quit ſhips their till they

An. 1626. "had made their own reasonable conditions, and were freed from the que-
"stions, and troubles they were in; and in particular,

1. "They prayed to be free of the said Protest, that they might the
"better treat of their affairs.

2. "If the the French King would have delivery of their ships in-
"to his power and possession, that then they might have security by
"money deposited in *London*, without Revocation for satisfaction of
"their ships, the former security by Merchants being insufficient, and a
"stop already made of their pay, which upon that security they know not
"how to come by.

3. "Because their ships being Fortresses of this Kingdom, and the
"delivery of them over into the hands of a Forein Prince without good
"warrant, concerneth even their very lives, that they might have a war-
"rant in that behalf under the Great-Seal of *England* before they should
"be bound to deliver them over.

4. "To be free of their bonds entred into for not selling their Ord-
"nance, and also free of punishment in that behalf, and they shewed how
"they were more cautious herein, for that Commissioners drew the first
"Articles, which were now wholly broken, and these Articles were to be
"done by themselves.

"And this writing they sent from their ships by one Mr *Basset Cole*,
"to present on shore to the Marquis *d' Effiat* at *Diep*, appointing the
"said Mr *Cole* to treat for a speedy conclusion according to these Arti-
"cles, who treated accordingly: And the said Marquis, to induce him
"to yield to his demands, shewed a Letter in French signed by the Duke
"of *Buckingham*, whereby the Duke promised his endeavors to get the
"Marquis's turn served touching these ships.

"The next day, *viz.* 28 *July* 1625. Mr *Nicholas* came aboard the
"*Neptune*, and declared in writing under his hand, how and why he was
"sent over by the Duke of *Buckingham*, as before, and craved the Cap-
"tain and Masters Answer in writing under their hands, whether they
"would conform to the Lord *Conways* Letter, and to the Instrument
"peraffected at *Rochester*, for delivery over of the said ships, yea or no,
"offering to procure them a sufficient discharge to their contentment
"for their so doing.

"The same day also Sir *Ferdinando Gorge* and the rest, by writing
"under their hands subscribed, did declare as followeth; namely,

That they were willing to obey our King, but held not the security peraffetted at Rochester *by the three Ambassadors to be sufficient (though honorable) and so they absolutely refused to deliver their ships upon that security, desiring better caution in that behalf.*

1. *By Merchants of* Paris.
2. *To be transferred to* London.
3. *Irrevocable.*
4. *And such as might not be protected by Prerogative; and to have this under the Hands and Seals of both Kings.*

"All this while our King or body of the Council knew nothing in cer-
"tain of any other design of the French, then only of their presence against
"*Genoa*, and believed that all the Articles and Instruments that had passed
"between the French and us, or the Captains, Masters, and Owners of the
English

2 Caroli.

"English ships had been penned and contrived with full and good Cautions accordingly, for prevention of all dangers that might grow to the "contrary. Also the same 28 *July*, the Captains and Masters taking notice of Mr. *Nicholas* pressing them to deliver their ships before security "given to their content, contrary to former Propositions, which they held "unreasonable, did make answer unto the Marquis in writing, That until "they should have security to their contentment, they would not quit the "possession of their ships unto the French (which was but reasonable) "and they sent therewith a valuation of their several ships as they would "stand to. They likewise demanded a performance of all things formerly "sent to his Lordship from them by Mr. *Nicholas* (save only for the security by money deposited) saying, that for all the rest they durst "not proceed otherwise.

"Lastly they prayed for a speedy Answer, that the delay in this "business may not seem to be in them.

"But *D'Effiat* being confident of the Duke of *Buckingham's* Letters, "promises, and proceedings aforesaid, would not consent to these reasonable demands of the Captains and Masters of the English ships, protracting the time till he might hear further from the said Duke out "of *England*.

"While these things were thus in handling both in *France* and in "*England*, there were written over out of *France* into *England* Letters "of advertisement, how and upon what ground, or by what act or means "procured or occasioned, appeareth not; yet from one Mr. *Larking* a "servant to the Earl of *Holland*, and a kind of Agent, a person some "way imployed by our State, or under some of our Ambassadors or Ministers in *France*; That the Peace was concluded with those of our Religion in *France*, and that within fourteen days the War would break "forth or begin in *Italy*, with a Design upon *Genoa*, a matter of great "importance for annoying the *Spaniard*.

"This Letter of *Larking* came to the English Court at *Richmond* "28 *July*, when the Duchess of *Cheverux* Child was there Christened, "and the Contents thereof (as hath been alleaged) were confirmed by "the Ambassadors of *Savoy* and *Venice*: By the advantage and colour "whereof the Duke of *Buckingham* drew the King (who all this while "knew nothing of the Design upon *Rochel* or those of our Religion, but "thought the former Articles had been safe and well penned both for "him and his Subjects (according to the most religious and politick "intention, and Instructions in that behalf originally given by his late "Father) to write a Letter dated at *Richmond* the same 28 *July* directed "to the said Captain *Pennington* to this effect, *viz.*

"His Majesty did thereby charge and command the said Captain "*Pennington* without delay to put his Highness former Command in execution, for consigning the *Vanguard* into the hands of the Marquis "*D'Effiat* for the French, with all her Furniture, assuring her Officers "his Majesty would provide for their Indemnity, And to require the "seven Merchants ships in his Majesties name to put themselves into the "service of the French King, according to the promise his Majesty had "made unto him; And in case of backwardness or refusal, commanding "him to use all forcible means to compel them, even to sinking; with a "Charge not to fail, and this Letter to be his Warrant.

"This Letter was sent by Captain *Thomas Wilbraham* to Captain "*Pennington*, who was yet in the *Downs*. In the beginning of *August* 1625.

Captain

An. 1626. "Captain *Pennington* went over again to *Diep*, carrying with him the "ſaid Letters of his Majeſty, and certain Inſtructions in writing from the "Duke of *Buckingham* to Mr. *Nicholas*, agreeable in ſubſtance to the "former verbal Inſtructions given by the Duke to him at *Rocheſter*, "as the ſaid *Nicholas* alleadgeth; who alſo affirmeth, that in all things "what he did touching that buſineſs, he did nothing but what was war- "ranted by the Dukes Inſtructions to him; which if it be true, then "the Duke of *Buckingham* who commanded and imployed him therein A "muſt needs be guilty of the matters ſo acted by the ſaid Mr. *Nicholas*. "If there be any ſubſequent act or aſſent of Council, or of ſome Coun- "ſellors of State for the going of theſe ſhips to the French, or for "putting them into their power, it was obtained only for a colour, "and was unduly gotten by miſinforming the Contents of the ſealed "Articles, and concealing the Truth, or by ſome other undue means: "Neither can any ſuch latter act of Council in any ſort juſtifie the "Dukes proceedings, which by the whole current of the matter appears B "to have been indirect in this buſineſs even from the beginning. About "the time of Captain *Pennington's* coming over to *Diep* the ſecond time, "Mr. *Nicholas* did in his ſpeeches to the Captains and Maſters of the "ſeven Merchants ſhips threaten and tell them, That it was as much "as their lives were worth, if they delivered not their ſhips to the French "as he required; which put them in ſuch fear as they could hardly ſleep: "And thereupon two of them were once reſolved to have come again "away with the ſhips; and becauſe the former threats had made them C "afraid to return into *England*, therefore to have brought and left their "ſhips in the *Downs*, and themſelves for ſafety of their lives to have gone "into *Holland*.

"Captain *Pennington* being the ſecond time come into *Diep*, there "forthwith delivered and put the ſaid ſhip the *Vantguard* into the "abſolute power and command of the French King, his Subjects and "Miniſters, to the ſaid French Kings uſe, to be imployed in his ſervice "at his pleaſure; and acquainted the reſt of the Fleet with the effect D "of his Majeſties Letter and Command, and demanded and required "them alſo to deliver and put their ſhips into the power and command "of the French King accordingly. The Captains, Maſters, and Owners "of the ſeven Merchants ſhips refuſed ſo to do, as conceiving it was "not the Kings pleaſure they ſhould ſo do without ſecurity for redelivery "of their ſhips, or ſatisfaction for the ſame to their good contentment. "Hereupon *Pennington* went on ſhore at *Diep*, and there ſpake with "*D'Effiat* the Ambaſſador, and ſhortly after returned aboard, and gave E "the Captains, Maſters and Owners an Anſwer, reſting upon the vali- "dity, and urging the performance of the former Contract made and "peraffetted in *England*.

"Then the ſaid Maſters and Captains prepared to be gone, and "weighed anchor accordingly. Whereupon Captain *Pennington* ſhot at "them, and forced them to come again to anchor, as yielding themſelves "for fear to his mercy and diſpoſal. Upon this, Captain *Pennington* and "the Frenchmen that now commanded the *Vantguard*, came aboard the F "Merchants ſhips, and there propoſed unto them a new way for their "ſecurity touching their ſhips, namely to accept the ſecurity of the "Town of *Diep*: Whereupon they all went aſhore except Sir *Ferdi-* "*nando Gorge*, who with his ſhip the *Great Neptune* adventured to "come away, as not liking theſe new and unreaſonable Propoſitions.

"At

2 *Caroli.*

"At their coming ashore they spake with Mr. *Nicholas*, and there by his
"enforcement came to a new Agreement to accept the Security of the
"Town of *Diep*, upon certain hard Conditions, namely, The said
"Marquis *d' Effiat* as Extraordinary Ambassador in *England*, and as ha-
"ving power by deputation from the Duke of *Chevereux* and *Villocleer*,
"on or about *August* 15. 1625, did agree and promise to the said *Moyer*,
"*Touchin*, *Thomas Davies*, *Dard*, *John Davies*, *Lewen*, as Captains and
A "Owners of the said ships, called the *Industry*, the *Pearl*, the *Marigold*,
"the *Loyalty*, the *Peter* and *John*, and the *Gift of God*, then being in the
"Road of the Town of *Diep*, That the French King should give and
"furnish to the said Owners (they being present, and accepting it in
"this Town) this sufficient security, That within fifteen dayes after the
"said French King should be in possession of the said ships, he should
"give sufficient caution in *London*, for the sum of Two hundred and
"thirteen thousand Livres, whereat the said ships were estimated,
B "with all that appertaineth to them, as Cannons and other Munitions
"of War; *viz.* Fifty thousand pounds. And in or about the same
"15 *August*, 1625. the Commonalty of the said Town of *Diep* en-
"tred security, and bound the goods of their Commonalty to the said
"English Captains and Owners, That the said French King and his Am-
"bassadors should furnish the security within the City of *London* within
"the time, and for the sum aforesaid.

"On or about *August* 16. 1625. the said Marquis *d' Effiat*, as well
C "in his quality of being Ambassador, as by vertue of his said Deputati-
"on, did by a publick Act promise unto the said *Moyer*, *Touching*, &c.
"to give and furnish to them (they being present, and requiring it in the
"Town of *Diep*) sufficient security in the City of *London*, within
"fifteen dayes after the French King should be in peaceable possession of
"the said ships, for the sum of Two hundred and thirteen thousand
"Livres Turnoys, whereat the said ships were valued, namely, for the said
"ship called the *Industry*, and so a several sum for every ship, which se-
D "curity should remain for assurance to pay to every of them the prices
"of their ships before specified in that Act, in case they should be left
"in the French Kings hands, with other particulars in the said Act
"mentioned, without derogating nevertheless from the Clauses of the
"said Contract *March* 25. 1625. Albeit, because the said Ambassa-
"dors had found it good now to discharge the English Mariners out
"of the said ships, that therefore the freight agreed upon by the said
"former Contract should not be wholly paid, but only for the space of
E "the first six moneths; yet if the French King would use them for twelve
"moneths longer, or for any less time, that then he should pay freight
"for the same according to a new particular rate and manner expressed in
"the said Articles, and bound the goods of himself and the said Duke
"of *Chevereux* and Monsieur *Villocleer* for the performance hereof,
"as by the said Article it self, reference being thereunto had, amongst
"other things more fully appeareth.

"This Article being passed and recorded at *Diep*, all the said
F "seven Merchants ships, except the *Great-Neptune*, who was gone
"away in detestation of the action intended by the French were forth-
"with delivered into the absolute possession, power, and command
"of the French King, and of his said Ambassador *d' Effiat*, and other
"the Ministers and Subjects of the French King, to be imployed
"by him in his service at his pleasure, and not one of all the English
Company,

An. 1626.

"Company, Man or Boy, (other then one onely man, a Gunner as it "ſhould ſeem) would ſtay in any of thoſe ſhips, to ſerve againſt the "Rochellors, or thoſe of our Religion.

"As ſoon as theſe ſhips were thus delivered into the poſſeſſion and "power of the French, the ſaid Ambaſſador then moved them, and "dealt earneſtly with them for the ſale of their ſhips. Mr *Nicholas* ha- "ving finiſhed the work he went for, at his coming from *Diep* he recei- "a Diamond-Ring worth Fifty pounds, and a Hatband ſet with Sparks "of Diamonds, worth One hundred Marks, of the Ambaſſador, as A "a recompence for his pains taken in this Imployment, which (although "Ambaſſadors do confer greater rewards ſometimes at their parting "upon perſons of Mr *Nicholas* his quality, for leſs ſervice done) yet "was it more then ſo ill an office as he was imployed in could in "any ſort deſerve.

"The ſaid Captain *Pennington* returned ſpeedily into *England*, and "took his journey towards the City of *Oxford*, where the Parliament B "was then ſitting, by adjournment from *Weſtminſter* thither, and "there ſeveral Propoſitions were taken into debate for the good of our "Religion, and the ſupply of his Majeſties occaſions: For the well reſolv- "ing and ſetling whereof the true knowledg how, and upon what occaſions "and terms the ſeveral ſhips were ſent, delivered, imployed, and to be im- "ployed, was very requiſite. Afterwards nevertheleſs upon or about "*Auguſt* 6. 1625. at a meeting and conference between both the Houſes "of Parliament in *Chriſtchurch*-Hall, after the reading there of his C "Majeſties moſt gracious Anſwer to a Petition of the Lords and "Commons formerly exhibited unto his Majeſty touching our Re- "ligion, and much for the good thereof, the Duke of *Buckingham* "well knowing all the paſſages which I have now related to your "Lordſhips to be true, did not onely cauteloufly conceal the ſame, "but alſo much boldly and untruely, by colour of a Meſſage deliver- "ed from his Majeſty to both the Houſes, affirm unto them touch- "ing thoſe ſhips to this effect; That it was not alwayes fit for D "Kings to give accompt of their Counſels, and that about five of "the ſix Moneths were already paſt, and yet the ſaid ſhips were not "imployed againſt *Rochel*; willing and adviſing the ſaid Lords and "Commons to judge the things by the event, to which he ſeemed "to refer the matter. By which cunning Speeches the Duke intend- "ed, and accordingly did make the Lords and Commons then to "believe, That the ſaid ſhips were never meant, or any way in dan- "ger to be imployed againſt the Rochellors, or thoſe of our Religi- E "on in *France*; and herein he did great injury and diſſervice to his "Majeſty, to the great ſcandal and prejudice of our Religion and "Affairs, and highly abuſed both the Lords and Commons by this "cautelous and ſubtile Speech and Inſinuation, and thereby gave "both Houſes occaſion to forbear Petitioning or ſuing to his Ma- "jeſty for Redreſs in this Buſineſs, while the time was not then "paſſed; for the ſhips were not as then actually imployed againſt "the Rochellors, albeit in truth they were then delivered into the F "French Kings power.

"And the ſame time before the Parliament was diſſolved, Cap- "tain *Pennington*, who could have opened the whole truth of the "buſineſs for the Service of the King and the Realm, came to "*Oxford*, but was there drawn to conceal himſelf by means of the

Duke

2 Caroli.

"Duke, and not to publiſh in due time his knowledge of the Pre-
"miſſes, as was there ſhortly after reported. The truth whereof the
"Lords in this Parliament may be pleaſed to examine, as they ſhall
"ſee cauſe; the Parliament at *Oxford* being ſhortly after, viz. *Aug.* 12.
"unhappily diſſolved.

"In or about *September* 1625. The ſaid ſhips were actually im-
"ployed againſt the *Rochellors* and their Friends, to their exceeding
A "great prejudice, and almoſt utter ruine. It hath been ſaid by ſome
"of the *French*, that the *Vantguard*, ſhe mowed them down like graſs:
"To the great diſhonor of our Nation, and the ſcandal of our Religion,
"and to the diſadvantage of the great affairs of this Kingdom, and all
"Chriſtendom.

"Alſo the Ships themſelves were in eminent peril to be utterly
"loſt, for lack of ſufficient Cautions. If they be come home ſince this
"Parliament ſate down, long after the matter was here expounded and
B "taken into examination; It may be well preſumed that it is by ſome
"underhand procuring of the Duke, and the ſecret complying of the
"*French* with him, to colour out the matter; which the Lords may
"examine as they ſee cauſe. The one and onely *Engliſh-man* that pre-
"ſumed to ſtay in one of the Ships, and ſerve againſt the poor *Rochel-*
"*lors* of our Religion, at his return was ſlain in charging a Peece of
"Ordnance not by him well ſponged.

"In *February* laſt 1625. Monſieur *de la Touche* having ſpeech with
C "Maſter *Thomas Sherwell* a Member of the Commons Houſe of Par-
"liament, at *Salisbury*, as he was coming up to the Parliament, and
"Monſieur *de la Touche* going down into *Somerſet-ſhire* to Maſter *John*
"*Pawlets* to Monſieur *Sobyſa*; He told Maſter *Sherwell*, in the hearing
"alſo of one Maſter *John Clements* of *Plymouth*, who is now in Town,
"the words that the Duke had ſpoken to him the laſt Summer touch-
"ing theſe Ships; and thereupon uſed theſe words, *Ce Duque eſt un*
D "*meſchant homme*.

"Upon this whole Narration of the Fact touching the manner of
"Delivery of the Ships to the *French*, divers things may be obſerved
"wherein the Dukes offences do conſiſt: As, In betraying a Ship of
"the Kings Royal Navy unto a Foreign Princes hand, without good
"Warrant for the ſame; The diſpoſſeſſing the Subjects of this Realm
"of their Ships and Goods by many artifices and ſubtilties, and in
"concluſion with high hand and open violence againſt the good will
E "of the Owners; In breaking the duty of Lord Admiral and Guardian
"of the Ships and Seas of this Kingdom; In varying from the original
"good Inſtructions, and preſuming to give others of his own head
"in matters of State; In violating the duty of a ſworne Privy-
"Counſellor to his Majeſty; In abuſing both Houſes of Parlia-
"ment by a cautelous Miſinformation, under a colour of a Meſſage
"from his Majeſty; And in diſadvantaging the Affairs of thoſe of
"our Religion in Foreign parts: Offences of an high and grievous
F "nature.

"For the proof of ſome parts thereof, which are not the leaſt, I
"offer to your Lordſhips conſideration the Statute of the 2 & 3 *E.* 6.
"touching the Duke of *Somerſet*; wherein is recited, That amongſt
"other things, he did not ſuffer the Piers called the *Newhaven* and
"*Blackerſt* in the parts beyond the Seas, to be furniſhed with victuals

An. 1626. "and money, whereby the *French* were encouraged to invade and "win the same; And for this offence amongst others, it was Enacted, "That a great part of his Land should be taken from him. And if *Non-* "*feazance* in a matter tending to lose a fixed Castle belonging to the "King, be an high offence; then the actual putting of a Ship Royal of "the Kings into the hand of a Foreign Prince, which is a moveable and "more useful Castle and Fortress of the Realm, must needs be held a "greater offence.

"I will forbear to cite any more Presidents of this kind, because some "of those who have gone before me have touched at divers Presidents "of this nature, which may be applied to this my part. Only, because "the abuse of the Parliament, which is the chiefest Council of State "and Court of Judicature in the Realm, is not the least offence in this "business, I shall desire your Lordships to take into consideration the "Statute of *Westm.* 1. *cap.* 30. whereby such as seem to beguile Courts "of Justice, are to be sore judged in the same Courts, and punished, as "by that Statute appeareth.

So he concluded, and left the Duke to their Lordships equal Justice.

The Ninth and Tenth Articles were read next.

IX. Whereas the Titles of Honor of this Kingdom of *England* were wont to be conferred as great Rewards, upon such vertuous and industrious Persons as had merited them by their faithful service; The said Duke, by his importunate and subtile procurement, hath not only perverted that antient and most honorable way, but also unduly for his own particular gain he hath enforced some that were rich (though unwilling) to purchase Honor: As the Lord *R.* Baron of *T.* who by practice of the said Duke and his Agents was drawn up to *London*, in or about *October* in the Two and twentieth year of the Reign of the late King *James* of famous memory, and there so threatened and dealt withall, that by reason thereof he yielded to give, and accordingly did pay the sum of Ten thousand pounds to the said Duke and to his use: For which said sum, the said Duke in the moneth of *January*, in the Two and twentieth year of the said late King, procured the Title of *Baron R. of T.* to the said Lord *R.* In which practice, as the said Lord *R.* was much wronged in his particular, so the Example thereof tendeth to the prejudice of the Gentry, and dishonor of the Nobility of this Kingdom.

X. Whereas no Places of Judicature in the Courts of Justice of our Soveraign Lord the King, nor other like Preferments given by the Kings of this Realm, ought to be procured by any Subject whatsoever for any Reward, Bribe, or Gift; He the said Duke in or about the moneth of *December* in the Eighteenth year of the Reign of the late King *James* of famous memory, did procure of the said King the Office of *High Treasurer of England* to the Lord Vicount *M.* now Earl of *M.* Which Office at his procurement was given and granted accordingly to the Lord Vicount *M.* And as a Reward for the said procurement of the same Grant, he the said Duke did then receive to his own use of and from the said Lord Vicount *M.* the sum of 20000 *l.* of lawful money of *England*. And also in or about the moneth of *January* in

in the ſixteenth year of the Reign of the ſaid late King, did procure of the ſaid late King of famous memory the Office of *Maſter of the Wards and Liveries* to and for Sir *L. C.* afterward Earl of *M.* which Office was upon the ſame procurement given and granted to the ſaid Sir *L. C.* And as a reward for the ſame procurement, he the ſaid Duke had to his own uſe, or to the uſe of ſome other perſon by him appointed, of the ſaid Sir *L. C.* the ſum of Six thouſand pounds of lawful money of *England*, contrary to the Dignity of our Soveraign Lord the King, and againſt the duty that ſhould have been performed by the ſaid Duke unto him. 2 *Caroli.*

Theſe, as alſo the Eleventh Article, were enlarged and aggravated by Mr. *Pym*, in this manner.

My Lords,

"ALthough I know that I ſhall ſpeak to my own diſadvantage, yet "I ſhall labor to ſpeak with as little diſadvantage to the matter as "I can. I have no learning or ornament whereby I might ſhew my ſelf, "and I ſhall think it enough plainly to ſhew the matter; For all that I "aim at is, that I may loſe nothing of the Cauſe. And therefore, my "Lords, I ſhall apply my ſelf with as much convenient brevity, as one "that knows that your Lordſhips time is much more precious then my "words: Your Lordſhips being ſuch Judges, as will meaſure things by "true and natural proportions, and not by the proportion of the action "or expreſſion.

"The firſt entrance into my ſervice muſt be reading the Articles. Mr. *Pym* enlargeth the 11. Article.

"My Lords, This Charge for matter of Fact is ſo notorious and "apparent, that it needs no proof that theſe Honors have been pro- "cured: And therefore I will only inſiſt upon the Conſequence. Firſt "I will ſhew, That by this fact the Duke hath committed a great "Offence: And ſecondly, That this Offence hath produced a great "Grievance to the Commonwealth. And I will conclude, in ſtrengthen- "ing the whole by ſome Preſidents of former times, that Parliaments "have proceeded in that courſe in which your Lordſhips are like to "proceed.

"Firſt to prove it a fault or an offence, I muſt prove that there was "a duty; for every fault preſuppoſeth a duty: And in this caſe the firſt "work is to ſhew, that the Duke was bound to do otherwiſe: For which "I need to alleage nothing elſe, then that he is a ſworne Servant and "Counſellor to the King; and ſo ought to have preferred his Majeſties "honor and ſervice before his own pride in ſeeking to Ennoble all that "blood that concerned him. And it is not enough to ſay, that it is not "queſtionable; For there have been Great men queſtioned in the like "caſes. There be ſome Laws made that are particular according to the "temper and occaſions of ſeveral States: There are other Laws that be "coeſſential and collateral with Government; and if thoſe Laws be "broken, all things run to diſorder and confuſion. Such is that Rule ob- "ſerved in all States, of ſuppreſſing Vice to encourage Vertue, by apt "Puniſhment and Rewards. And this the fitteſt Law to inſiſt upon in "a Court of Parliament, when the Proceedings are not limited either "by the Civil or Common Laws, but matters are adjudged according "as they ſtand in oppoſition or conformity with that which is *ſuprema lex*, "*Salus populi*.

An. 1626.

"2. By this late Law, whoever moves the King to beſtow Honor, "which is the greateſt reward, binds himſelf to make good a double "proportion of Merit in that Party who is to receive it; The firſt "of value and excellence; the ſecond of continuance and durableneſs. "And as this Honor ſets men up above others, ſo they ſhould be emi- "nent in vertue beyond others: As it is perpetual, not ending with their "perſons, but deſcending upon their poſterity; ſo there ought to be "in the firſt root of this Honor ſome ſuch active merit in the ſervice of "the Commonwealth, as might tranſmit a vigorous Example to his "Succeſſors, whereby they may be raiſed to an Imitation of the like "Vertues.

He ſaid, he would forbear to urge this point further, out of a modeſt reſpect to thoſe perſons whom it did collaterally concern, profeſſing his Charge to be wholly againſt the Duke of *Buckingham*.

"3. From the conſideration of Honor, together with the price of "Money: The which being compared together, may be reduced to "two heads, (may it pleaſe your Lordſhips:) The one being earthly "and baſe, may be bought with a proportionable price of white and red "earth, Gold and Silver; The other which is ſpiritual (which is ſublime) "to which Money cannot be a proportionable price. Honor is tran- "ſcendent, in regard it was held a ſacred and divine thing, inſomuch "that there was a Temple dedicated to her by the *Romans*: And ſo "I conclude by preſcription, that Honor is a divine thing; for the "Scripture calls Kings *Gods*; and then thoſe that are about Kings muſt "needs be reſembled to thoſe Powers and Principalities that attend next "to the Throne: And if Honor be ſuch a divine thing, it muſt not then "be bought with ſo baſe a price as Money.

"4. Laſtly, Honor is a Publick thing, it is the reward of Publick "Deſerts.

"And thus your Lordſhips have ſeen, that the ſale of Honor is an "offence unnatural againſt the Law of Nature. Now what an offence "this is, your Lordſhips may diſcern, conſidering the kinds of the of- "fence, and the Adjuncts, which I now fall upon.

"1. It extremely deflowers the Flowers of the Crown; for it makes "them cheap to all beholders.

"2. It takes from the Crown the moſt fair and frugal Reward of "deſerving Servants: For when Honor comes to be at ſo mean a rate "as to be ſold, there is no Great man will look after it.

"3. It is the way to make a man more ſtudious for lucre and gain, "then of ſufficiencie in Vertue, when they know that they ſhall be pre- "ferred to Titles of Honor according to the heavineſs of purſe, and not "for the weightineſs of their merit.

"4. It introduceth a ſtrange confuſion, mingling the meaner with the "more pure and refined metal.

"5. Laſtly, It is a prodigious ſcandal to this Nation, (as the Houſe "of Commons think.)

"For Examples and Preſidents, I am confident there are none; and "your Lordſhips can look for none, becauſe it is not paralel'd to any "Preſident. But certainly it is now a fit time to make a Preſident of "this man, this great Duke, that hath been lately raiſed to this tran- "ſcendent height in our Sphere; who thinketh he cannot ſhine enough, "unleſs

2 *Caroli.*

"unleſs he dim your Lordſhips Honors in making the ſame contempti-
"ble through the ſale of it, by the commonneſs of it.

"Yet I am commanded further to obſerve another ſtep of Un-
"worthineſs in this Gentleman, who hath not only ſet Honor to ſale
"by his Agents, but compelled men likewiſe unwilling to take Titles
"of Honor upon them. For the particular, that Noble Gentleman that
"this concerns, I am commanded to ſay of him from the Houſe of
"Commons, That they conceive of him that he was worthy of this
"Honor, if he had not come to it this way; They can lay no blame
"upon him, that was conſtrained to make this bargain to redeem his
"trouble. But we muſt diſtinguiſh of this, as Divines do betwixt the
"Active and Paſſive Uſurers; they condemn the Active, ſpeaking favo-
"rably of the Paſſive.

"And I muſt here obſerve to your Lordſhips by the direction of
"the Houſe of Commons, That it ſeems ſtrange to them, that this Great
"man, whom they have taken notice of to be the principal Patron and
"Supporter of a Semipelagian and a Popiſh Faction ſet on foot to the
"danger of this Church and State, whoſe Tenets are *Liberty of Free-*
"*will*, though ſomewhat mollified; That a man imbracing theſe Tenets
"ſhould not admit of Liberty in Moral things: And that he ſhould com-
"pel one to take Honor and Grace from a King whether he will or no,
"what is that but to adde Inhumanity and Oppreſſion to Injury and
"Incivility?

"But here I muſt anſwer a Preſident or two, which may be by miſ-
"underſtanding inforced againſt me. 5 *H.* 5. There was *Martin* and
"*Babington*, and others, which were choſen to be Serjeants, and they
"did decline from it out of their modeſty, and doubted that their E-
"ſtates were not anſwerable to their Place: yet upon the Charge of
"the Warden of *England*, they accepted it and appeared to their Writs.
"Likewiſe there is a Writ in the *Regiſter*, That many by reaſon of
"the Tenure of their Lands may be compelled to be made Knights.
"But this makes rather againſt, then for this Faction; For it is true,
"that this is the wiſdom and policie of the Common-Law, that thoſe
"that be thought fit men for Imployment, may be drawn forth to be
"imployed for the good of the Commonwealth, where otherwiſe they
"would not take it upon them: But that any man for his own gain
"ſhould force a man to take Degrees of Honor upon him, certainly
"this is beyond all Preſidents, and a thing not to be exampled either in
"our Nation or any other.

"And further I am commanded to tell your Lordſhips, That it is
"dangerous, that if a great Lord by his power or ſtrength may compel
"a Subject to take ſuch Honors, why may he not compel them as well
"to take his Lands at what price he will, and to ſell them again as he
"thinks fit, yea, to marry his Children as it pleaſeth him? The con-
"ſequence of this is great, if that it be well conſidered: And they con-
"ceive that it is of ſo great a conſequence, that if it be not ſtopped,
"it may come in time to make way for a dangerous Subverſion, and
"demonſtrates a great Tyranny of a Subject, under a moſt wiſe, moſt
"gracious, and moſt moderate King.

"And thus (my Lords) I have done with the firſt Article allotted to
"my Charge, and ſo I proceed to the next.

"My

An. 1626. The 10. Article enlarged.

"*My Lords*, Before I enter into the enforcement of this Article, I "shall by way of Proteſtation from the Houſe of Commons do in this "as I did in the other Article. And firſt for the Kings Majeſty under "whom we are now happily governed and placed, I muſt by their di- "rection ſay for his honor, and our comfort, and with humble acknow- "ledgment confeſs, That ſince his coming to the Crown there have "been men of as great parts and learning advanced into Places in Church "and Commonwealth, as any have been heretofore. And then for the "firſt of thoſe Lords whoſe names are mentioned in this Article, I muſt "ſay, that they do not intend to reflect at all upon him; nay they think "his perſon ſo worthy, as to be advanced to as high a place without any "price at all, and that he ought to have kept it longer, if thoſe that "ſhuffled in thoſe times, had not ſhuffled him out.

"Now to the matter of this Article, which is the Sale of Places "of Judicature, being an offence: And to prove this, is all one as to "make the glaſs clear by painting of it. The grounds whereon I ſhall "go, ſhall be laid open *Magna Charta cap.* 29. The words are theſe; "*Nulli vendemus, nulli negabimus Juſtitiam.* It may be ſaid, this comes "not cloſe to my purpoſe: Yet by your Lordſhips favor I ſhall make it "good that it doth, and I ſhall begin with the latter of the two firſt, "*Nulli negabimus*: For if any that hath power or favor with the King, "ſhould procure him to delay the making of Judges, when there were "Judges to take it, it will not be denied that they do their beſt endeavor "to make the King break his word; For if any uſe their favor about "the King to procure Places of Judicature for money, they do what in "them lies to make Juſtice it ſelf ſaleable: For it is plain that he that "buyes muſt ſell, and cannot be blamed if he do ſell.

"I ſhall open the evil Conſequences that depend upon the ſale of "Places of Judicature, or any Places of great truſt.

"1. By this means unable men ſhall be ſure of the precedence unto "Places; For they being conſcious of their own want of Merits, they "muſt be made up by the weight in Gold.

"2. It muſt needs hence follow, that Suits, Contentions, Brawls "and Quarrels ſhall be increaſed in the Commonwealth: For when men "come to ſeats of Judicature by purchaſe, they muſt by increaſe of "Suits increaſe their own profit.

"3. Men will not ſtudy for ſufficiencie of Learning to be able to "diſcharge their Places, but how they may ſcrape together Money to "purchaſe Places.

"4. It will follow, that thoſe that have the beſt Purſes, though worſt "Cauſes, will carry away the victory always.

"5. It will follow, that when they be preferred for money to thoſe "Places, they are tied to make the beſt of thoſe Places *vim & modo*: "And then the Great man that ſold thoſe Places to them, muſt uphold "them in their Bribery; and he is tied to it, becauſe they are his Crea- "tures; nay further he is tied to ſupport them in their Bribery, to advance "their Places upon the next remove.

"6. And laſtly, when good men and well deſerving come to any "Place, they ſhall not continue there, but they ſhall be quarrelled at, ſo "that there may be a vacancie in that Place, and then ſome other ſhall "ſuddenly ſtep into the ſaddle by giving a competent price.

"Upon theſe and the like reaſons, this fact of ſelling and buying "Places and Offices of Truſt, hath not only been declaimed againſt by "Chriſtians,

2 Caroli.

"Christians, but also by Moral Pagans. *Aristotle* in his 5th. of *Ethicks* "*cap.*8. gives it as a *Caveat*, That no man amongst the *Thebans* was "to take upon him any Place of Government in the Commonwealth "if that he were a Merchant, unless there were ten years distance between. "And the reason is this; Because Merchants are used to buying and "selling, It is their Trade and Art to [illegible] Money, so that their fingers "are accustomed to that which they cannot leave when they come to "Places of Trust and Judicature. Nay further, in honor of the Mer- "chants, He is accounted the wisest Merchant that gains most; so that "if any such comes to Offices and Places of Trust, he thinks it best to "advance his profit.

"Next to the *Pagans*, the *Popes*, a Generation full of Corruption, "yet they by their Bulls are full of Declamation against such. And this "is plain by a Bull of *Pius Quintus*, who lays the Penalty of Confisca- "tion of Goods of any that do for money acquire any Offices, and con- "demns them by his Papal sentence to be great sinners. So *Gregory* the "Thirteenth condemns the like.

"And now to come nearer home, to come to that which will prin- "cipally lead your Lordships, which are the Judgments of your Ance- "stors in Parliament; wherein it appears by the Statute of 5 *H.* 6. that "the same Statute condemns the Seller and Receiver, as well as the Buyer "and Giver. It further appears by the Preamble of that Statute, that "such offences were against the Law, and they foresaw the Corruptions "of those that came into those Places by those means, and that it is a "hinderance of sufficient and worthy men from those Places. And also 2, "& 3 *E.* 6. which was likewise cited in the Case of the Duke of *Somerset*, "by which he was to forfeit his Estate, that one thing was for selling of "Places in the Commonwealth for money. And certainly, with your "Lordships favor, it is most just and probable, that they that profess them- "selves to be *Patriots*, and shew by their actions that they aim at their "own lucre, and labor to hinder the distributing of Justice, it is most just "and proper that those men should return back again to the Publick "Treasury of the King and Kingdom, what they have by their unsatisfied "lucre gotten.

"And so, my Lords, craving Pardon of you for my boldness, confu- "sion and distractions in going through this business, I humbly leave my "self to the judgments of your favors and charities, and this Great man "the Duke to your wise Censure and Justice.

Then was read the Eleventh and Twelfth Articles.

XI. That he the said Duke hath within these ten years last past procured divers Titles of Honor to his Mother, Brothers, Kindred and Allies; as the Title of *Countess of Buckingham* to his Mother, while she was Sir *Thomas Compton's* wife; the Title of *Earl of A.* to his younger Brother *Christopher Villiers*; the Titles of *Baron of M. P. Vicount F.* and *Earl of D.* to his Sisters Husband Sir *W. F.* the Titles of *Baron of S.* and *Vicount P.* to Sir *John Villiers* elder Brother unto the said Duke; and divers more of the like kind to his Kindred and Allies: whereby the Noble Barons of *England*, so well deserving in themselves and in their Ancestors, have been much prejudiced, and the Crown disabled to re- ward extraordinary Vertues in future times with Honor; while the small Estates of those for whom such unnecessary Advancement hath been procured,

An. 1626.

procured, are apparently likely to be more and more burthenſom unto the King, notwithſtanding ſuch Annuities, Penſions, and Grants of Lands annexed to the Crown, of great value, which the ſaid Duke hath procured for thoſe his Kindred to ſupport theſe their Dignities.

His imbezling and engroſſing the Kings money and Lands.

XII. He the ſaid Duke [redacted] contented with the great Advancement formerly received from the late King of famous memory, by his procurement and practice in the Fourteenth year of the ſaid King, for the ſupport of the many Places, Honors and Dignities conferred on him, did obtain a grant of divers Manors, Parcel of the Revenue of the Crown and of the Duchy of *Lancaſter*, to the yearly value of One thouſand ſix hundred ninety ſeven pounds two ſhillings halfpenny farthing of the old Rent, with all Woods, Timber, Trees, and Advowſon; part whereof amounting to the ſum of Seven hundred forty ſeven pounds thirteen ſhillings four pence, was rated at Two and thirty thouſand pounds, but in truth of a far greater value. And likewiſe in the Sixteenth year of the ſame Kings reign, did procure divers other Manors annexed to the Crown of the yearly value, at the old Rent, of Twelve hundred pounds or thereabouts, according as in a Schedule hereunto annexed appeareth: In the Warrant for paſſing of which Lands, he by his great favour procured divers unuſual Clauſes to be inſerted (*viz.*) that no Perquiſites of Courts ſhould be valued, and that all Bailiffs Fees ſhould be repriſed in the particulars upon which thoſe Lands were rated; whereby a preſident hath been introduced, which all thoſe who ſince that time have obtained any Lands from the Crown, have purſued to the damage of his late Majeſty, and of our Soveraign Lord the King that now is, to an exceeding great value. And afterwards he ſurrendred to his ſaid Majeſty divers Mannors and Lands, parcel of thoſe Lands formerly granted unto him, to the value of Seven hundred twenty three pounds eighteen ſhillings and two pence half-penny *per annum*; in conſideration of which ſurrender, he procured divers other Lands of the ſaid late King to be ſold and contracted for by his own Servants and Agents, and thereupon hath obtained grants of the ſame to paſs from his late Majeſty to ſeveral perſons of this Kingdom, and hath cauſed Tallies to be ſtricken for the money, being the conſideration mentioned in thoſe Grants in the Receipt of the Exchequer, as if any ſuch monies had really come to his Majeſties Coffers; whereas the Duke, (or ſome other by his appointment) hath indeed received the ſame ſums, and expended them upon his own occaſions. And notwithſtanding the great and ineſtimable gain by him made by the ſale of Offices, Honors, and by other Suits by him obtained from his Majeſty, and for the countenancing of divers Projects, and other Courſes burthenſom to his Majeſties Realms, both of *England* and *Ireland*; The ſaid Duke hath likewiſe by his procurement and practiſe received into his hands, and diſburſed to his own uſe exceeding great ſums, that were the monies of the late King of famous memory, as appeareth alſo in the ſaid Schedule hereunto annexed: And the better to colour his doings in that behalf, hath obtained ſeveral Privy-Seals from his late Majeſty, and his Majeſty that now is, warranting the payment of great ſums to perſons by him named, cauſing it to be recited in ſuch Privy-ſeals, as if thoſe ſums were directed for ſecret Services concerning the State, which were notwithſtanding diſpoſed of to his own uſe; and other Privy-ſeals by him have been procured for the diſcharge of thoſe Perſons without accompt; and by the like fraud and practice, under colour of free gifts from his Majeſty,

Majesty he hath gotten into his hands great sums, which were intended by his Majesty to be disbursed for the preparing, furnishing and victualling of his Royal Navy; by which secret and colourable devices, the constant and ordinary course of the Exchequer hath been broken, there being no means by matter of Record to charge either the Treasurer or Victualler of the Navy with those sums which ought to have come to their hands, and to be accompted for to his Majesty; and such a confusion and mixture hath been made between the Kings Estate and the Dukes, as cannot be cleared by the Legal Entries and Records, which ought to be truely and faithfully made, and kept, both for the safety of his Majesties Treasure, and for the indempnity of his Officers and Subjects whom it doth concern. And also in the Sixteenth year of the said King, and in the Twentieth year of the said King, he did procure to himself several Releases from the said King of divers great sums of the Money of the said King by him privately received, and which he procured, that he might detain the same for the support of his Places, Honors and Dignities. And these things, and divers other of the like kinde, as appeareth in the Schedule annexed, hath he done, to the exceeding diminution of the Revenues of the Crown, and in deceit both of our Soveraign Lord the King that now is, and of the late King *James* of famous memory, and to the detriment of the whole Kingdom. 2 Caroli.

Before Mr *Sherland* entred to open and enlarge upon the Twelfth Article, he discoursed in general concerning Honors, mentioned in the preceding Article, and spake as followeth.

My Lords,

"IT hath pleased God (who hath the disposing even of all things in "his hands) to cast this service now upon me, who did formerly my "endeavor to decline it, considering the weightiness of the business, "the greatness of this presence, and my manifold defects, best known to "my self: But another that should have with better contentment, I "doubt not, performed this service, being fallen now sick, there is a "necessity imposed on me by the House of Commons, wherein I shall "be very plain, and short, according to the warning I had; yet I shall "deal plainly and faithfully, according to the sense of that House by "whose command I now appear: And since I am now thrust as a Bush "into the Gap, I hope your Lordships will not expect such a composure "and strength of Speech which you have had from others of my "Companions. The Subject that falls to my lot to speak of before "your Lordships, are *Honor*, and *Justice*, two great Flowers of the "Crown: I confess my self exceeding unfit and unable to speak of "these Points before so great an Assembly of such Persons of so great "Honor, and such Superior Judges of this Kingdom; but I must take "my Lot: It pleaseth your Lordships, as in Sphere, to take knowledge "of the Grievances presented by the Commons House, which I desire "and hope your Lordships will not take presumption.

"May it please your Lordships, the parts of this Charge, as you "discern upon the reading of it, are two; the one general, the other "particular: The general is, perverting the ancient and noble course of

An. 1626.

Mr Sherland enlarges the Ninth Article.

"attaining to the Titles of Honor. 2. The other, the compulsion or in-
"forcement of men unwilling to purchase Honor.

"For the first by way of Protestation, I am commanded by the
"House of Commons, to say, that they repine not at their advance-
"ment upon whom those Honors were conferred, but they think
"them worthy thereof; yet they wish for their sakes, and the safety
"of this Nation, their vertues had solely raised them, and that they had
"not been forced and constrained to contribute to this bottomless Gulf
"to attain their Titles.

"They complain again of this unworthy way brought in by this
"great man, they fall upon this in this manner, and found the Evils un-
"der which the Commonwealth suffers, and the Causes of them being
"two principal Evils, which are the decay and stopping of the Trade,
"and the Determination of Honor. In examination of which second Evil,
"the Trade and Comerce of Honor, we have, as the Commons do
"conceive, *confitentem reum*: For he endeavouring to colour the matter,
"sayes for himself, That he was not the onely introducer and first
"bringer in of this, but they finde that he was the first that defiled
"this Virgin of Honor so publickly, making an accompt, that all things
"and persons should stoop and subject themselves to his vain desires and
"extravagancy. Now that this comerce of Honor is an Offence; then
"to prove what kinde of Offence it is, is the onely thing I shall trouble
"your Lordships with.

1. "And first that it is an Offence, I shall draw my first Ar-
"gument from *the Nature of Honor*; Honor is a Beam of Vertue;
"now this Honor can be no more fixed upon an undeserving Per-
"son for Money, then Fire can be struck out of a Stick.

2. "From *the Subject of Honor*, which is Merit, for the which no price
"ought to be paid to any great man (by any undeserving) person for the
"same, but their own merit and desert.

Then he passed to the Grievances which are caused by the selling of Titles, and they are Three.

1. "First it is prejudicial to the Noble Barons of this King-
"dom.

2. "To the King, by disabling him to reward extraordinary ver-
"tues.

3. "To the Kingdom which comprehends both King, Lords,
"and people.

"For the first, He said, he would not trouble their Lordships with
"recital, how Ancient, how Famous the Degree of Barons hath been in
"these Western Monarchies; He said, the Baronage of *England* hath
"longer upheld that Dignity, and doth yet retain a greater height
"then in any other Nation; they are great Judges, a Court of the last
"resort, they are great Counsellors of State, and not onely for the
"present, but as Law-makers, Counsellors for the time to come; and
"this not by Delegacy and Commission, but by Birth and Inheritance:
"So that when any man shall be made a Member of this great Bo-
"dy, who is not qualified for the performance of such noble Functi-
"ons, it must needs be a prejudice to the whole body, and dishonor
"to the head. As if a little water be put into a great vessel of
"Wine,

2 Caroli.

"Wine, as it receives ſpirit and ſtrength from the Wine, ſo it doth "impart ſome degrees of its own infirmity and coldneſs to the "Wine.

"Secondly, It is prejudicial to the King; not that it can diſable him "from giving Honor (for that is a power inſeparable) but by making "Honor ordinary, it becomes as an incompetent Reward for extraordina- "vertue; when men are made noble, they are taken out of the Preſs of A "the common ſort, and how can it chuſe but fall in eſtimation, if Honor "it ſelf be made a Preſs?

"Thirdly, It is prejudicial to the Kingdom; the Stories and Records "are full of the great aſſiſtance which the Crown hath received from "the Barons, both in Forein and Domeſtick Actions, not onely by their "own perſons, but by their Retinue and Tenants, and therefore they "are called by *Bracton*, *Robur Belli*; how can we now expect the like "from ſuch as have no Tenants, and are hardly able to maintain them- B "ſelves?

"But this is not all; for the prejudice grows not primitively by de- "fect of that aſſiſtance which they might give the State, but poſitive- "ly they have been a great burthen to the Kingdom by Gifts and Penſi- "ons already received, and yet ſtand in need of more for the future ſup- "port of their Dignities. This makes the Dukes offence the greater, "that in this weakneſs and conſumption of the Commonwealth, he hath "not been contented alone to conſume the qublick Treaſure, (which C "is the blood and nouriſhment of the State) but hath brought in others "to help him in this work of deſtruction. And that they might do it "more eagerly, by inlarging their Honors, he hath likewiſe inlarged "their Neceſſities, and their Appetites. He did ſecond his Charge with "two Preſidents; the firſt, 28 *Henry* 6. in the Complaint againſt "the Duke of *Suffolk*, in the One and thirtieth Article of that Com- "plaint, this was one of his Charges, That he *William de la Pool* Duke "of *Suffolk*, had procured one who had married his Niece to be made "Earl of *Kendal*, and obtained for him One thouſand pounds *per annum* D "in the Dutchy of *Guienne*; and yet this Party was the Son of a Noble "and well deſerving Father. So you ſee this is no new thing for the "Houſe of Commons to complain, that thoſe that are neer the King "ſhould raiſe their Kindred to an unneceſſary Honor; and if that were "worthy of puniſhment for advancing of one, then what puniſhment is he "worthy of that hath advanced ſo many?

"The ſecond Preſident is 17 *Edw.* 4. There paſſed an Act of Parli- E "ment, for the Degrading of *John Nevil*, Marquis *Montague*, and Duke "of *Bedford*; the reaſon expreſſed in the Act is, becauſe he had not a "Revenue ſufficient for the maintaining of that Dignity; to which is ad- "ded another reaſon of that nature, that when men of mean birth are "called to a high Eſtate, and have not livelihood to ſupport it, it in- "duceth great poverty, and cauſeth briberies and extortions, imbraceries "and maintenance.

"And now my Lords, how far theſe Reaſons ſhall lead your Judge- F "ments in this Caſe, I muſt leave it to your Lordſhips.

He enlargeth the Twelfth Article.

Then he read the Twelfth Article, being the ſecond part of his Charge; the Title whereof was, The Exhauſting, Intercepting and Miſ-imploying the Kings Revenues.

An. 1626.

"My Lords, This Article consists of several Clauses, which in "some respects may be called so many distinct Charges; for though "they all tend to one end and scope, the diminishing the Kings Trea- "sure, yet it is by divers wayes, so that every Clause is a particular "Branch. Therefore he desired to break it into parts, and to select the "most material, either in point of offence or grievance, intending to pass "through them with this order; first, to declare the state of the proof, "and then to add such reasons and inforcements as he did conceive most "conduceable to that Judgement which the Commons were to expect "from their Lordships. A

He made two main Branches of this Article. The first concerns Lands obtained from the Crown; the second concerns Money in Pensions, Gifts, Farms, and other kinde of profit.

Touching the Lands he observed four Things. B

1. "The sum of Three thousand thirty five pounds *per annum* of old "Rent, besides the Forest of *Layfield*, of which we have no value, and "we can finde no Schedule granted by the late King to my Lord of "*Buckingham* within ten years past, as appeareth by the several Grants "vouched in the Schedule annexed, and it was in it self a great grievance, "That in a time of such necessity, when the Kings Revenues are not able "to support such a great charge, that so much Land should be conveyed "to a private man? This he acknowledged was not the Dukes case "alone, for others had received divers Grants from the King, but none "in so great measure. C

"And because the Commons aim not at Judgement onely, but at "Reformation, he wished, That when the King should bestow any "Land for support of Honors, that the caution which was wont to be care- "fully observed might again return into use; that is, to annex those "Lands to the Dignity, lest being obtained and wasted, the Party repair D
"to the King for a new support; by which provision the Crown will reap "this Benefit, That as some Lands go out by new Grants, others will "come in by spent Intails.

"He said he would not trouble their Lordships with repetition "of the Laws heretofore made for preventing the alienation of the "Kings Lands, and for resuming those that had been alienated, nor of "the Ordinances made in this high Court for the same purpose, and "Fines set upon those that presumed to break such Ordinances, he E
"onely added as a further enforcement of the Grievance, That when "the Kings Revenues be unable to defray publick necessities, the Com- "mons must needs be more burthened with Supplies.

2. "His second Point was, the unusual Clauses which the Duke by "his greatness hath procured to be inserted into the Warrants for "passing of those Lands, of which two were mentioned; the first, That F
"the casual profits should not be rated in the particulars; the second, "That all Bailiffs Fees should be repriséd: Both which are to be proved "by the Warrants remaining with the Auditor of the Rates, and other "Auditors; whereupon he presented these Considerations.

"First, That it was a mark of Ingratitude and Insatiableness in the "Duke, thus to strain the Kings Bounty beyond his intention; and that

2 *Caroli.*

"he would not receive this Bounty by the ordinary way, but by the way "of Practice.

"Secondly, It argued Unfaithfulneſs in him, that being a ſworne "Counſellor, he ſhould put the King into ſuch Courſes of ſo much pre- "judice, deceitfully, in concealing the value of that which he bought; "ſo that the King gave he knew not what; For under the proportion of "Two thouſand pounds, he gives it may be Four thouſand pounds. And A "by this the King did not only ſuſtain great loſs for the preſent, but it "opened a way of continual loſs, which hath ever ſince been purſued "by all thoſe who have paſſed Lands from the Crown.

"Thirdly, The King is hereby not left Maſter of his own Libera- "lity, neither in proportion, nor certainty; for it might ſo fall out, "that the Quantity paſſed from him, might be treble to that he in- "tended.

B "3. The third was, *The Surrender of divers Parcels of theſe Lands back "to the King, after he had held them ſome years, and taking others from the "King in exchange.* Where he noted,

"That the beſt of the Lands and moſt vendible being paſſed away, "the worſt lay upon the Kings hand; that if he ſhall have occaſion to "raiſe money by ſale of Lands, that Courſe is not like to furniſh him. "Beſides, that in the mean time betwixt the Grants and the Surrenders, "opportunity was left to the Duke to cut down Woods, to infranchiſe C "Copiholds, to make long Leaſes; and yet the old Rent remaining ſtill, "the Land may be ſurendred at the ſame value. Whether this have "been practiſed, he could not affirm, not having had time to examine it; "yet he deſired the Lords to enquire after it, the rather for that the "Manor of *G.* in *Lincolnſhire* being diſmembred, and Seventeen pounds "of the old Rents ſold out of it, was by a Surrender turned back upon "his Majeſty.

D 4. "The fourth point of this Branch was, The colourable Tallies "divers parcels of theſe Lands had from the Crown in lieu of this ſur- "render, being ſold and contracted for by his own Agent, and the money "received by himſelf or to his uſe, and yet Tallies were ſtricken out, as "if it had really come to the Exchequer for his Majeſties ſervice. This "is to be proved by his own Officers, by the Officers of the Exchequer, "and by the Tallies themſelves, which Tallies amount unto 20563 *l.* "16 *s.* 8 *d.* Whence he obſerved,

E "Firſt, That there ran a trade of Falſhood toward the King through- "out all this his dealing.

"Secondly, That this was a Device thought upon to prevent the "wiſdom of Parliament; for by this means the Grant ſeems to have the "face of valuable purchaſes, whereas they were indeed free gifts.

"Thirdly, If the Title of thoſe Lands ſhould prove queſtionable, "it appearing by Record as if the King had received the money, he "was bound in honor to make reſtitution, and yet the Duke had the F "profit.

"But it may be ſaid, This was the Purchaſors deſire for their own "ſecurity. Of which objection he made this uſe, That the Subjects "generally took notice of ſo much Lands given to the Duke, that there "is good cauſe to expect a Reſumption.

"In

An. 1626.

"In the second general branch of this Article concerning Money, "the first point observed was, the Total sum received by him in Ten "years space, amounting to 162995 *l.* besides the Grant he hath of "the Overplus above Three thousand pounds *per annum* to be made of "the Third imposed upon Strangers goods, and besides the Moyetie of "Seven thousand pounds out of the Customs of *Ireland*, which he is "bound to pay to the King; but whether it hath been paid, or no, is "doubtful. A

"This he delivered as a Sum Estimative, yet so computed as it may "be more, but not less. And this Total ariseth by free gifts, by Pensions "to himself; else by profit of Farms, by Pensions to others; For "Offices, whereof he received the profit, as the *Admiralty*, and *Master-* "*ship of the Horse*. All which appear by a Schedule annexed to this "Charge.

"The Grievances consist in this; That the Commonwealth hath "been bereaved of the use and imployment of so Publick Treasure, in a B "time of as great want, and great occasions in this State, as it hath had "in many Ages, when the expences of the Kings Court can hardly be "supplied, when his Houses and Castles are unfurnished, when the Seas "have been unguarded, the Coasts subject to the incursion and spoil of "Enemies by default of provision in the Navy, to the dishonor of the "Nation, and damage of the Subjects, and the hazard of the whole. And "the offence in this, that the wants in the Navy and the Stores being "within his own Charge, he was no more sensible of them; whereby it C "appears, he preferred the serving of his own turn before his duty, and "before the safety of this State.

"The second point observed in this branch, was, That the Duke "under pretence of secret services, hath procured great sums of money "to be issued by Privy-seals to sundry persons named by himself, but "afterward imployed to his own use. Hereof two instances are propound- "ed: The one of Eight thousand pounds paid to Sir *Robert Pye*, 12 *Aug.* D "1620. and by him disbursed for the Dukes purchase of *Burleigh*, and "Sir *Robert Pye* discharged by another Privy-seal, 4 *Junii* following. "The second instance is of Sixty thousand pounds paid to *Burlimach* by "a Privy-seal, in *September* 1625. Which time he rather noted, because "the Parliament at *Oxford* was broken up a little before out of discontent "that the King was not supplied for the setting out of the Fleet, which "would have been done with a less sum. For the proof of that, the House "of Commons will offer to your Lordships Witnesses. E

"The quality of this offence he left to their Lordships judgment; "yet propounding some things by way of enquiry, from whence it might "receive measure and proportion. 1. Whether it had not affinity with the "Crime in the Civil Law, called *Crimen peculatus*; which was, when a "man did unjustly turn to his own use that money which was either *sacra*, "dedicated to Gods service religiously; or *religiosa*, used about Funerals "and Monuments of the dead; or *publica*, of which kind the matter now "in question is? And this offence by that Law was Death, and Con- F "fiscation of goods and estate. Which he notes the rather, that their "Lordships might perceive, that in the wisest State the Publick Treasure "was held in the same reputation with that which was dedicated to God "and Religion. 2. And whether it doth not resemble another Crime in "the same Law termed *Crimen falsi*, and is defined to be when a man shall

— "*imi-*

2 Caroli.

"*imitatione veri ſuam compendium alieno diſpendio per dolum facere*, by "ſemblance of truth make gain to himſelf of other mens loſſes: Which "in the caſe of a Bondman was Death, and in caſe of another man Baniſh- "ment and Confiſcation, or otherwiſe very penal; as the Judges ſhould "find cauſe of moderation, or rigor, in the nature and circumſtances of "the Fact. 3. Whether their Lordſhips will eſtimate it according to any "Sentences in the *Star-chamber*, which have been very frequent in caſes "of Fraud: Or according to the Common-Law, which ſo much deteſts "this kind of dealing, as that they term it *Covin*, and make it vitiate ordi- "nary and lawful actions. Or laſtly, whether they will meaſure it by that "Judgment which the Duke hath paſs'd againſt himſelf in the guilt of "his own Conſcience? (Direct Actions are not afraid to appear open- "faced; but Injuſtice and Fraud deſire to be masked with Subtilty and "Cloſeneſs.) It were offence enough, if there were no more but a cunning "concealing of unthankfulneſs to hide his Majeſties bounty; or guilt of "unworthineſs, as if he durſt not avow the receit of that which he had not "merited; both which proceed from *Malum culpæ*: Or elſe that other "kind of guilt which proceeds from *Malum pœnæ*, the fear of puniſhment, "foreſeeing this Inquiſition into his actions, and hoping under this diſ- "guiſe of Publick ſervice to eſcape their Lordſhips cenſure.

"The third point in this branch is, That he hath received ſundry ſums "of money intended for the maintenance of the Navy: whereof there "are two inſtances; the one whereof is 20000 *l.* the other of 30000 *l.* "both in *January* 1624. By Privy-ſeal, by the which theſe ſums are "iſſued, they appear to be Free gifts: But by the affirmation of ſome in "anſwer for the Duke, it hath been ſaid, He was only the hand to convey "them to the Treaſury of the Navy. If the truth be according to the "Privy-ſeal, they are to be added to the former Total as parcel of his own "gain: If according to that allegation, it may prove a preſident of great- "er damage to the King, then the money is worth; for by this way his "Majeſty hath no means by matter of Record to charge the Treaſurer of "the Navy with theſe ſums, and may loſe the benefit of the Act of Par- "liament 13 *Eliz.* whereby Accomptants Lands are made liable to the "paiment of their Debts to the King, and in many caſes may be ſold for "his Majeſties ſatisfaction. The Treaſurer of the Navy is a worthy man; "but if he ſhould die, the King loſeth the benefit.

"The fourth point of this branch is, That he hath cauſed ſo great a "mixture and confuſion between the Kings Eſtate and his own, that they "cannot be diſtinguiſhed by the Records and Entries which ought to be "kept for the ſafety of his Majeſties Treaſure, and indempnity of the "Subject. This is proved in divers inſtances, whereof the laſt alleaged "is one, and others follow.

"By the wiſdom of the Law in the conſtitution of the *Exchequer*, "there be three Guards ſet upon the Kings Treaſure and Accompts. "The firſt is a legal Impignoration, whereby the Eſtates perſonal and "real of the Accomptants are made liable to be ſold for the diſcharge of "their Debts, which I mentioned before. The ſecond, an apt Controul- "ment over every Office, by which the King relies not upon the in- "duſtry and honeſty of any one man; but if he fail in either, it may be "diſcovered by ſome other ſworne to take notice of it, and either to "correct his Errors, or amend his Faults. The third is, a durable Evi-

"dence

An. 1626.

"dence and Certainty, not for the present time only, but for perpetuity; "because the King can neither receive, or pay, but by Record.

"All these Guards have been broken by the Duke, both in the Cases "next before recited, and in these which follow. The Custom of the "*Exchequer* is the Law of the Kingdom, for so much as concerneth the "Kings Revenue. Every breach of a Law by a particular offence, is pu- "nishable, but such an offence as this, being destructive of the Law it "self, is of a far higher nature.

"The fifth point of this second branch, is concerning two Privy-seals "of Release; the one 16, the other 20 *Jac.* whereby this Duke is dis- "charged of divers sums secretly received to his Majesties use, but by "vertue of these Releases to be converted to the support of his own "Estate: The proof hereof is referred to the Privy-seals themselves. "From which he made one observation, of the subtilty he used to winde "himself into the possession of the Kings money, and to get that by "cunning steps and degrees, which peradventure he could not have "obtained at once. A good Master will trust a Servant with a greater "sum that is out of his purse, then he would bestow upon him being in "his purse; and yet after it is out of his hands, may be drawn more "easily to make a Release, then at first to have made a Free gift. This "is a proper instance to be added to the proof of the point of mingling "his own Estate with the Kings; and of the same kind be other parti- "culars mentioned in the Schedule, though not expressed in the Charge; "as Twenty thousand pounds received in Composition for the Earl of "*M.* his Fine, which cannot be discovered whether part or all be con- "verted to the Dukes benefit, and yet it appears by a Privy-seal to be "cleerly intended to the Kings own service for the Houshold and War- "drobe, till by the Dukes practice it was diverted into this close and "by-way.

"Another instance in this, is, His endeavor to get the money "which should be made of Prize-goods into his own hands: And for "this purpose, he first labored to procure that his man *Gabriel Marsh* "might receive it; and when it was thought fit some Partner should be "joined with him, trial was made of divers, but none of any credit would "undertake the Charge with such a Consort. And the Commons have "reason to think there was good cause of this refusal, for he is so ill "an Accomptant, that he confessed in their House (being examined) "that by authority from the Duke he received divers bags of gold and "silver out of the *S. Peter* of *Newhaven*, which he never told.

"When this practice of imploying his own man would take no "effect, then he procured a Commission from Sir *William Russell*, who "is indeed without exception an able and worthy Officer; but that is "not enough for the Kings security; For howsoever he was to receive "the money, it was to be disbursed by and to the Dukes warrant and "profit. Which Clause hath been altered since this was questioned in "Parliament; and now it is to be issued from an immediate Warrant "from his Majesty. But as it was before, it may be noted as an incroach- "ment upon the Office of my Lord Treasurer, whereby he might make "a more easie way to some sinister end of his own; so that upon the mat- "ter, Sir *William* was but a safeguard of the money for the Duke himself. "And this I must note of some guilt in the very act of it.

The

2 Caroli.

"The laſt point upon this whole Charge, was a reduction of the value "of the Land, together with the mony into one totall, and to that "purpoſe, he rated the Land, being valued at a reaſonable value, at forty "years purchaſe, for although ſome of it was ſold for thirty, yet a great "part was worth more then a hundred years purchaſe, ſo as forty years "is conceived to be an eaſy *Medium*; at this rate 3035 *l.* amounteth to "121400*l.* which being added to the total of the mony received 162995 *l.* "both together make the ſum of 284395 *l.* beſides the Forreſt of *Ley-* "*ſeild*, and beſides the profit made out of the thirds of Strangers "goods, and the Moyetie of the profit made out of the Cuſtomes of "*Ireland*.

"This is a great ſum in it ſelf, but much greater by many Circum- "ſtances; if we look upon the time paſt, never ſo much came into any "private mans hands out of the publique purſe; if we reſpect the time "preſent, the King never had ſo much want, never ſo many forreign oc- "caſions, important and expenſive; the Subjects never have given great- "er ſupplies, and yet thoſe ſupplies unable to furniſh theſe expences. "But as the Circumſtances make the ſum greater, ſo there be other Cir- "cumſtances which make it leſs, if it be compared with the ineſtimable "gain he hath made by the ſale of Honors and Offices, and by projects "hurtfull to the State, both of *England* and *Ireland*; or if it be compa- "red to his profuſion, it will appear but a little ſum. All theſe gifts, and "other ways of profit notwithſtanding, he confeſt before both Houſes "of Parliament, that he was indebted 100000 *l.* If this be true, how "can we hope to ſatisfie his prodigality? if falſe, how can we hope to "ſatisfie his Covetouſneſs? and therefore their Lordſhips need not won- "der if the Commons deſire, and that earneſtly, to be delivered from ſuch "a Grievance.

"That this complaint and proceedings of theirs may appear to be "ſuitable to the proceedings of their Predeceſſors in like Caſes, he al- "leaged three Preſidents, which he ſaid were Preſidents in kinde, but "not in proportion, becauſe there hath never been the like.

The firſt 10 *Rich.* 2. in the Complaint againſt *Michael de la Pool*, Earl "of *Suffolk*; out of which he took Three Articles, the firſt, That being "Chancellor and ſworn to the Kings profit, he had purchaſed divers "Lands from the King, more then he had deſerved, and at an under rate; "yet this was thought to be an offence againſt the State.

"The ſecond, That he had bought of one *Tydman* an Annuity of "Five hundred pound *per annum*; which Grant was void by the Laws, "yet he being Chancellor, procured the King to make it good by a new "Grant upon Surrender of the old. This was complained of in Parlia- "ment, and there punished.

"The third, Whereas the Maſter of St. *Anthonies* being a Schiſma- "tick, had forfeited his Poſſeſſions into the Kings hand; this Earl took "them in Farm at Twenty Marks a year, converting the overplus which "was One thouſand Marks to his own profit, which ſhould have come to "the King.

"The next Preſident 11 *Rich.* 2. in the Judgment againſt *Robert de* "*Vere* of *Oxford*, and others; out of which, he took two Articles, the "Fifth and the Seventh: The Fifth was for taking Mannors and Lands "annexed to the Crown, whereby they themſelves were inriched, and the "King made poor; the Seventh was for intercepting the Subſidies grant- "ed for the defence of the Kingdom.

An. 1626.

"The third Precident is that of 28 *Hen.* 6. in the Parliament Roll, "out of the Complaint againſt *William de la Pool*, Duke of *Suffolk*, "Article 29. That he being next and primeſt of Council to the King, "he had procured him to grant great Poſſeſſions to divers perſons, "whereby the King was much impoveriſhed, the expence of his Houſe "unpaid, Wages, Wardrobe, Caſtles, Navy, Debts unſatisfied; and "ſo by his ſubtile Council, and unprofitable Labor, the Revenues of "the Crown and the Dutchy of *Lancaſter*, and other the Kings Inheri- A "tances ſo much diminiſhed, and the Commons of the Kingdom ſo ex- "treamly charged, that it was near to a final deſtruction.

"The fourth was, That the Kings Treaſure was miſchievouſly diſtri- "buted to himſelf, his friends, and well-willers; ſo that for lack of "Money, no Army, nor Ordnance could be provided in time; and be- "cauſe theſe great perſons were not brought to judgment upon theſe "Articles alone, but for other miſdemeanors, he made this obſervation, "That ravening upon the Kings Eſtate is always accounted with other B "great faults that deſerve judgment.

Then he ſaid he had done with that which had been left to him; and ſo he left the Duke to their Lordſhips Juſtice, That as he had exceeded others in this Offence, ſo he might not come behinde them in puniſhment. And ſo he humbly deſired their Lordſhips to be pleaſed to pardon his Delivery, and to give a favorable cenſure of him.

C

Laſtly, The Thirteenth Article was read.

XIII. Whereas eſpecial care and order hath been taken by the Laws of the Realm, to reſtrain and prevent the unskilful Adminiſtration of Phyſick, whereby the health and life of men may be much endangered. And whereas moſt eſpecially, the Royal Perſons of the Kings of the Realm, in whom, we their Loyal Subjects, humbly challenge a great intereſt, are and always have been eſteemed by us ſo ſacred, that nothing D ought to be prepared for them, or adminiſtred unto them in the way of Phyſick or Dyet in the times of their ſickneſs, without the conſent and direction of ſome of their ſworn Phyſitians, Apothecaries, or Surgeons. And the boldneſs of ſuch (how near ſoever to them in place and favor) who have forgotten their Duties ſo far, as to preſume to offer any thing unto them beyond their experience, hath been always ranked in the number of high Offences and Miſdemeanors. And whereas the ſworn Phyſitians of our late Soveraign Lord King *James* of Bleſſed memory, at- E tending on his Majeſty in the moneth of *March*, in the Two and twentieth year of his moſt glorious Raign, in the times of his ſickneſs, being an Ague, did in due and neceſſary care of, and for the recovery of his health and preſervation of his Perſon, upon and after ſeveral mature Conſultations in that behalf had and holden, at ſeveral times in the ſame moneth, reſolve and give directions, That nothing ſhould be applied or given unto his Highneſs, by way of Phyſick or Dyet, during his ſaid ſickneſs, but by and upon their general advice and conſents, and after good deliberation thereof firſt had, more eſpecially by their like care, and upon like conſultations, did juſtly reſolve and publickly give warning to and for F all the Gentlemen, and other Servants and Officers of his ſaid late Majeſties Bed-chamber, That no Meat nor Drink whatſoever ſhould be given unto him, within two or three hours next before the uſual time of

and

2 *Caroli.*

and for the coming of his Fit in the ſaid Ague, nor during the continuance thereof, nor afterwards, until his cold Fit were paſt. The ſaid Duke of *Buckingham* being a ſworn Servant of his ſaid late Majeſty, of and in his Majeſties ſaid Bed-chamber, contrary to his duty and the tender reſpect which he ought to have had of his Majeſties moſt Sacred Perſon; and after the Conſultations, Reſolutions, Directions, and Warning aforeſaid, did nevertheleſs without any ſufficient warrant in that behalf, unduly cauſe and procure certain Plaiſters, and a certain Drink or Potion to be provided for the uſe of his ſaid Majeſty, without the direction or privity of his ſaid late Majeſties Phyſitians, not prepared by any of his Majeſties ſworn Apothecaries or Chirurgeons, but compounded of ſeveral ingredients to them unknown. Notwithſtanding the ſame Plaiſters, or ſome Plaiſter like thereunto, having been formerly adminiſtred unto his ſaid Majeſty, did produce ſuch ill effects, as that ſome of the ſaid ſworn Phyſitians did altogether diſallow thereof, and utterly refuſed to meddle any further with his ſaid Majeſty, until theſe Plaiſters were removed, as being hurtful and prejudicial to the health of his Majeſty; yet nevertheleſs the ſame Plaiſters, as alſo a Drink or Potion, was provided by him the ſaid Duke; which he the ſaid Duke, by colour of ſome inſufficient and ſlight pretences, did upon Monday the One and twentieth day of *March*, in the Two and twentieth year aforeſaid, when his Majeſty by the judgment of his ſaid Phyſitians, was in the declination of his Diſeaſe, cauſe and procure the ſaid Plaiſters to be applied to the Breſt and Wriſts of his ſaid late Majeſty. And then alſo at and in his Majeſties Fit of the ſaid Ague, the ſaid Munday, and at ſeveral times within two hours before the coming of the ſame Fit, and before his Majeſties then cold Fit was paſſed, did deliver, and cauſe to be delivered, ſeveral quantities of the ſaid Drink or Potion to his ſaid late Majeſty; who thereupon at the ſame times, within the ſeaſons in that behalf prohibited by his Majeſties Phyſitians as aforeſaid, did by the means and procurement of the ſaid Duke, drink and take divers quantities of the ſaid Drink or Potion.

After which ſaid Plaiſters, and Drink or Potion, applied and given unto, and taken and received by his ſaid Majeſty as aforeſaid, great diſtempers and divers ill ſymptoms appeared upon his ſaid Majeſty, inſomuch, That the ſaid Phyſitians finding his Majeſty the next morning much worſe in the eſtate of his health, and holding a Conſultation thereabout, did by joynt conſent ſend to the ſaid Duke, praying him not to adventure to miniſter to his Majeſty any more Phyſick, without their allowance and approbation. And his ſaid Majeſty himſelf finding himſelf much diſeaſed and affected with pain and ſickneſs, after his then fit, when by the courſe of his Diſeaſe he expected intermiſſion and eaſe, did attribute the cauſe of ſuch his trouble unto the ſaid Plaiſter and Drink, which the ſaid Duke had ſo given, and cauſed to be adminiſtred unto him. Which ſaid adventrous act by a perſon obliged in duty and thankfulneſs, done to the Perſon of ſo great a King, after ſo ill ſucceſs of the like formerly adminiſtred, contrary to ſuch Directions as aforeſaid, and accompanied with ſo unhappy event, to the great grief and diſcomfort of all his Majeſties Subjects in general, is an Offence and Miſdemeanor of ſo high a nature, as may juſtly be called, and is by the ſaid Commons deemed to be an act of tranſcendent preſumption, and of dangerous conſequence.

An. 1626.

The Thirteenth Article enlarged by Mr. *Wandesford.*

Mr. *Wandesford* deputed to enlarge and aggravate upon the Thirteenth Article, commended the charity and providence of that Law, which makes it penal for unskilful Empyricks, and all others, to exercise and practice Physick upon common persons, without a lawful Calling and Approbation, branding them that thus transgress, as *Improbos, Ambitiosos, Temerarios, & Audaces homines:* But he that without skill and calling shall direct a Medicine, which upon the same person had wrought bad effects, enough to have disswaded a second adventure; and then when Physitians were present, Physitians selected for Learning and Art, prepared by their Office and Oaths, without their consent, nay, even contrary to their Direction, and in a time unseasonable, He must needs (said he) be guilty, albeit towards a common person of a precipitate and unadvised rashness, much more towards his own Soveraign. And so pious are our selves to put the Subjects in minde of their duty towards their Princes, Persons so Sacred, that in the attempt of a Madman upon the King, his want of Reason, which towards any of his fellow Subjects might have quit him of Felony, shall not excuse him of Treason. And how wary and advised our Ancestors have been not to apply things in this kinde to the Person of a King, may appear by a President, 32 *Hen.* 6. where *John Arundel*, and others, the Kings Physitians and Chirurgeons, thought it not safe for them to administer any thing to the Kings Person, without the assent of the Privy Council first obtained, and express Licence under the Great Seal of *England*.

This Medicine found his Majesty in the declination of his disease, (and we all wish it had left him so) but his better days were shortly turned into worse; and instead of health and recovery, we hear by good testimony (that which troubles the poor and loyal Commons of *England*) of great distempers, as Droughts, Raving, Fainting, an intermitting Pulse, strange effects to follow upon the applying of a Treacle Plaister. But the truth is, Testimony tells us, That this Plaister had a strange smell, and an invective quality striking the malignity of the disease inward; which Nature otherwise might have expelled outward. Adde to this the Drink twice given to his Majesty, by the Duke his own hands, and a third time refused, and the following Complaint of that blessed Prince, the Physitians telling him, to please him for the time, That his second impairment was from cold taken, or some other ordinary cause: *No, no,* said his Majesty, *it is that which I had from Buckingham.* And though there be no President (said he) of an act offered to the Person of a King, so insolent as this, yet is it true that divers persons, as great as this, have been questioned and condemned for less offences against the Person of their Soveraign. It was an Article amongst others laid against the Duke of *Somerset*, for carrying *Edward* the Sixth away in the night time out of his own head but from *Hampton* Court to *Windsor*; and yet he was trusted with the Protection of his person: Presidents failing us in this point, the Common Law will supply us. The Law judgeth a deed done in the execution of an unlawful act, Man-slaughter, which otherwise would but have been Chance-medley; and that this act was unlawful, the House of Commons do believe, as belonging to the Duty and Vocation of a sworn and experimented Physitian, and not the unskilfulness of a yong Lord. And so pretious are the lives of men in the Eye of the Law, that though Mr. *Stanford* saith, If a Physitian take one into his Cure, and he die under his hands; it is not Felony, because he did it not

2 *Caroli.*

not Feloniously. Yet it is Mr. *Bractons* opinion, That if one that is no Physitian or Chirurgeon undertake a Cure, and the party die under his hands, this is Felony. And the Law goeth further, making Physitians and Chirurgeons themselves accomptable for the Death of their Patients, if it appear they have transgressed the Rules of their own Art; that is, by undertaking a thing wherein they have no experience, or having yet failed in the care and diligence.

A Lastly, He said he was commanded by the House of Commons to desire their Lordships, That seeing the Duke hath made himself a President in committing that which former Ages knew not, their Lordships will out of their Wisdom and Justice make him an example for the time to come.

The several Articles being thus enlarged and aggravated by the said respective Members, Sir *John Elliot* was appointed to make the *Epilogue* B to the Impeachment, who spake thus.

My Lords,

Sir *Joh. Elliots* Speech concluding the Dukes Impeachment.

C "YOur Lordships have heard in the Labors of these two days spent "in this Service, a Representation from the Knights, Citizens, "and Burgesses of the Commons House of Parliament, of their "Apprehension of the present Evils, and dangers of this Kingdom; of "the Causes of the same; and of the Application of them to the Duke "of *Buckingham*, so clearly and fully, as I presume your Lordships expect "I should rather conclude, then adde any thing to his charge.

"Your Lordships have heard how his Ambition was expressed in "procuring, and getting into his hands, the greatest Offices of strength "and power of this Kingdom; by what means he had attained them; "and how Money stood for Merit.

D "There needs no Argument to prove this but the common sense of "the Miseries and Misfortunes which we suffer, adding but one, The "Regality of our Narrow Seas, the Antient Inheritance of our Princes, "lost or impeached.

"This I need not further to press, but from hence my Observation "must descend to his other Virtues, and that by way of Perspective: I "shall give it so near and short, as rather to exercise your Lordships Me- "mory, then to oppress your patience.

E "First, I propose unto your Lordships, the inward Character of the "Dukes minde, which is full of Collusion and Deceipt, I can express it "no better then by the Beast called by the Antients *Stellionatus*; a Beast "so blur'd, so spotted, so full of foul lines, that they knew not what to "make of it: So do we finde in this mans practice, who first inveagled "the Merchants, drawing them to *Deep* to be inthralled; then dealt de- "ceitfully with the King, to colour his Offences, his design being against "*Rochel*, and the Religion: Next with the Parliament, to disguise his F "Actions, a practice no less dangerous and disadvantageous to us, then "prejudicial to our Friends and Allies.

"Next I present to your Lordships, the Dukes high oppression, and "that of strange latitude and extent, not to Men alone, but to Laws and "Statutes, to Acts of Council, to Pleas and Decrees of Court, to the "pleasure of his Majesty; all must stoop to him, if they oppose or stand

"in

An. 1626.

"in his way. This hath been expreſſed unto you in the Ship called the "St. *Peter*, and thoſe of *Deep*, nay, he draws on the colour of his Ma- "jeſties great Name to ſhadow his deſign.

"It had been his duty, nay, the truſt of his place, not to have "tranſlated them into the hands of ſtrangers; that had his Majeſty "yeilded in that point, the Duke ſhould have oppoſed it by his con- "tinual Prayers and Interceſſions, making known unto his Majeſty the "Inconveniencies likely to enſue, and not to reſt there, but to have re- A "ported it to your Lordſhips ſitting in Council, to have deſired and "prayed your aid and aſſiſtance, in a matter of ſo great importance: "And if this had failed, he ſhould have entered into a Proteſtation "againſt it. This hath been done by worthy Predeceſſors in that Office, "and this had been the worthy diſcharge of the great truſt repoſed in "his place.

"I heard the Ships were returned, but I know it not; but if I "knew ſo, this neither excuſeth, nor qualifieth the Dukes offence. B "The French in this caſe are to be commended, not he excuſed; "he left them in the hands of a Foreign Power, who when they "once had them, for any thing he knew, might eaſily have kept "them.

"The third head is, The Dukes extortion in exacting from the "*East-India* Company, without right or colour, Ten thouſand pounds, "exquiſitely expreſſed, and Mathematically obſerved by the Gentle- "man (you know by whom employed) who by his Marine experience, C "learned this Obſervation, That if the Fleet gained not the wind by "ſuch time at the Cape, the Voyage was loſt.

Here one of the Lords interpoſing privately, It was the King that employed him; Sir *John Elliot* in the Name of the Commons makes this *Proteſtation*.

"Far be it from them to lay any *Odium* or Aſperſion on his Majeſties D "Name, they hold his Honor ſpotleſs, nor the leaſt ſhadow of blemiſh "can fix upon him in this buſineſs.

"Next to foul Extortion, is Bribery and Corruption in the Sale of "Honor and Offices of Command. That which was wont to be the "crown of Vertue and Merit, is now become a merchandiſe for the great- "neſs of this man, and Juſtice it ſelf made a prey unto him. All which "particulars your Lordſhips have heard opened and enforced with Rea- "ſons and Proofs, what in themſelves they are, and therefore I ſpare fur- E "ther to preſs them.

"In the fifth place, I obſerve a wonder in Policy and in Nature, "how this man ſo notorious in evil, ſo dangerous to the State in his im- "menſe greatneſs, is able to ſubſiſt of himſelf, and keep a Being? To "this I anſwer, That the Duke hath uſed the help of art to prop him "up: It was apparent, That by his skill he hath raiſed a party in the "Court, a party in the Country, and a main party in the cheif places of F "Government in the Kingdom: So that all the moſt deſerving Offices "that require Abilities to diſcharge them, are fixed upon the Duke, his "Allies, and Kinred. And thus he hath drawn to him and his, the "Power of Juſtice, the Power of Honor, and the Power of Command, "and in effect the whole Power of the Kingdom, both for Peace and War, "to ſtrengthen his Allies; and in ſetting up himſelf, hath ſet upon the

"King-

2 Caroli.

"Kingdoms Revenues, the Fountain of Supply, and the Nerves of the "Land.

"He intercepts, conſumes, and exhauſts the Revenues of the Crown, "not onely to ſatisfie his own luſtful deſires, but the Luxury of others; "and by emptying the Veins the Blood ſhould run in, he hath caſt the "Body of the Kingdom into a high Conſumption.

"Infinite ſums of Money, and maſs of Land, exceeding the value "of Money, Contributions in Parliament have been heaped upon him, "and how have they been employed? Upon coſtly Furniture, ſumptu- "ous Feaſting, and magnificent Building, the viſible evidences of the "expreſs exhauſting of the State; and yet his Ambition, which is "boundleſs, reſteth not here, but like a violent flame burſteth forth, "and getteth further ſcope: Not ſatisfied with injuries, and injuſtice, "and diſhonoring of Religion, his attempts go higher, to the pre- "judice of his Soveraign, which is plain in his practice. The effects "I fear to ſpeak, and fear to think, I end this paſſage as *Cicero* did in "a like caſe, *Ne gravioribus utar verbis quam rei natura fert, aut levioribus "quam cauſa neceſſitas poſtulat.*

"Your Lordſhips have an *Idea* of the Man, what he is in himſelf, "what in his affections. You have ſeen his power, and ſome I fear have "felt it; you have known his practice, and have heard the effects. It "reſts then to be conſidered, what (being ſuch) he is in reference to the "King and State? how compatible or incompatible with either? In re- "ference to the King, he may be ſtiled the Canker in his Treaſure; in "reference to the State, the Moth of all goodneſs. What future hopes "are to be expected, your Lordſhips may draw out of his Actions and "Affections. I will now ſee by compariſon with others, to what we "may finde him likened. I can hardly finde him a match or parallel "in all Preſidents; none ſo like him as *Sejanus*, who is thus deſcribed by "*Tacitus*, *Audax, ſui obtegens, in alios criminator, juxta adulator & ſu- "perbus.*

"To ſay nothing of his Veneries, if you pleaſe to compare them, "you ſhall eaſily diſcern wherein they vary; ſuch boldneſs of the one "hath lately been preſented before you, as very ſeldom or never hath "been ſeen. For his ſecret Intentions and Calumniations, I wiſh this "Parliament had not felt them, nor the other before. For his Pride "and Flattery, it is noted of *Sejanus* that he did *Clientes ſuos Provinciis "adornare*. Doth not this Man the like? Ask *England*, *Scotland*, and "*Ireland*, and they will tell you. *Sejanus* pride was ſo exceſſive, as *Ta- "citus* ſaith, he neglected all Councel, mixed his buſineſſes and ſervice "with the Prince, ſeeming to confound their Actions, and was often "ſtiled *Imperatoris laborum ſocius*. How lately, and how often hath this "Man commixed his Actions in Diſcourſes with Actions of the "Kings?

"My Lords, I have done, you ſee the Man; onely this which was "conceived by the Knights, Citizens, and Burgeſſes, ſhould be boldly "by me ſpoken, That by him came all theſe evils, in him we finde the "Cauſe, and on him we expect the Remedies, and to this we met "your Lordſhips in Conference; to which, as your Wiſdom invites "us, ſo we cannot doubt, but in your Lordſhips Wiſdom, Great- "neſs, and Power, we ſhall in due time finde Judgment as he de- "ſerves.

"I con-

An. 1626.

"I conclude by presenting to your Lordships, the particular Censure "of the Bishop of *Ely*, reported in the 11 *Rich.* 1. and to give you a "short view of his faults. He was first of all noted to be Luxurious; "secondly, He married his own Kinred to Personages of highest rank "and places; thirdly, No mans business was done without his help; "fourthly, He would not suffer the Kings Council to advise in Matters "of State; fifthly, He grew to such a height of Pride, that no man was "thought worthy to speak unto him; and lastly, His Castles and Forts "of Trust, he did *obscuris & ignotis hominibus tradere*; his doom was this, "*Per totam insulam publice proclamatur, periat qui perdere cuncta festinat, "opprimatur ne omnes opprimat.*

Sir *John Elliot* and Sir *Dudley Diggs* committed to the *Tower*.

Sir *Dudley Diggs* having made the Prologue, and Sir *John Elliot* the Epilogue, in the Impeachment of the Duke, they were both by the Kings Command committed to the *Tower*.

Upon the Impeachment of the Duke, a Paper was privately conveyed to the King, importing,

Private Suggestions to the King, in behalf of the Duke.

THat this great opposition against the Duke, was stirred up and maintained by such as seek the destruction of this free Monarchy. Because they finde it not yet ripe to attempt against the King himself, they endeavor it through the sides of the Duke. The persons agreeing in this one mischief, are of divers sorts and humors. First, Medling and busie persons, who love popular Speeches: Secondly, Covetous Landlords, Incloſers, Depopulators, &c. who being of the Parliament, ease themselves in Subsidies, and lay it on the true Commons, and cry out the grievances are caused by the Duke. Thirdly, Recusants who hate the Duke for the breach of the Spanish Match. Fourthly, Persons indebted, who by priviledge of Parliament avoid payment. Fifthly, Puritans and Sectaries, though two of them scarcely agree in what they would have: Haters of Government, and would have the Kings power extinguished in matters Ecclesiastical, and limited in Civil. Sixtly, Male-contents, who look upon the Duke with an evil eye, because themselves are not preferred. Seventhly, Lawyers, who are very fit in Parliaments to second any Complaint against both Church and King, and all his Servants, with their Customs, Antiquities, Records, Statutes, Presidents, and Stories. Eighthly, Merchants and Citizens, who deceive the King of Custom. Ninethly, Innovators, Plebicolæ.

That since the time of Henry *the Sixth, these Parliamentary discourſings might never be suffered, as being but certain symptomes of Subsequent Rebellions, Civil Wars, and the dethroning of our King, and no one Patriot daring to oppose them, least he incur the reputation of a Fool or Coward in his Countreys Cause.*

His Majesty therefore strengthned himself ever with some Favorite, as whom he might better trust, then many of the Nobility, tainted with this desire of Oligarchy,

It behoveth without doubt his Majesty to uphold the Duke against them, who if he be but uncovered, it will be the Corner Stone, on which the demolishing of his Monarchy will be builded: For if they prevail with this, they have hatched a thousand other demands to pull the Feathers of Royalty;

They will appoint him Counsellors, Servants, Alliances, Limits of Expences, and accompt of his Revenue, thereby if they can, they will now dazle him in the beginning of his reign.

Lastly, King James *and* King Charls *are the Dukes Accusers, on all the Aspersions that are laid upon him.* King James *for the Money destined for the*

Wars

2 Caroli.

Ware in his time, ſpent in Treaties, &c. And his Majeſty can teſtifie for the things done in his time. And all theſe, though actions of the King, are imputed to the Duke: Who if he ſuffer for obeying his Soveraign, the next attempt will be to call the King to accompt for any thing he undertakes, which doth not proſperouſly ſucceed, as all men would deſire it.

If it pleaſe his Majeſty to remove and ſet aſide all theſe diſadvantages, he ſhall find the Charge againſt the Duke very empty and of ſmall moment: And if his Majeſty and the Dukes Grace think it no impeachment to their Honors, all that the Parliament hath objected againſt the Duke, except two or three things that may receive an Anſwer, is pardoned at the Kings Coronation, which benefit every poor Subject enjoyeth.

May 11. The King came to the Parliament, and ſpake to the Houſe of Pears as followeth.

My Lords,

Kings Speech concerning the Duke.

"THe cauſe, and onely cauſe of my coming to you this day, is to "expreſs the ſenſe I have of all your Honors; for he that toucheth "any of you, toucheth me in a very great meaſure. I have thought "fit to take order for the puniſhing ſome inſolent ſpeeches lately ſpoken. "I have been too remiſs heretofore in puniſhing ſuch ſpeeches as concern "my ſelf; Not that I was greedy of their monies, but that *Buckingham* "through his importunity would not ſuffer me to take notice of them, "leſt he might be thought to have ſet me on, and that he might come "the forwarder to his Trial. And to approve his innocencie as touching "the matters againſt him, I my ſelf can be a Witneſs to clear him in "every one of them.

"I ſpeak not this to take any thing out of your hands; but to "ſhew the reaſon why I have not hitherto puniſhed thoſe inſolent ſpeech-"es againſt my ſelf. And now I hope you will be as tender of my Honor, "when time ſhall ſerve, as I have been ſenſible of yours.

And ſo his Majeſty was pleaſed to depart.

The ſame day this following Meſſage was brought from the Commons to the Lords, by Sir *Nathanael Rich*.

The *Commons* Meſſage by Sir *Nath. Rich* to ſecure the Duke.

The Commons taking into ſerious conſideration the many miſchiefs and inconveniences which this renowned Kingdom hath now ſuffer, threatening apparent danger to the King and Commonwealth, have by ſearch and diſquiſition into the Cauſes thereof, found that they do principally ſtow from the exorbitant power and abuſive carriage of the Duke of Buckingham, wherein he hath this Parliament been impeached before their Lordſhips by the Commons; beſides an accuſation of a Peer in their own houſe, who had charged him (as they are informed) of high Treaſon: They therefore with one voice make an entire Declaration, That they held it a thing of dangerous Conſequence both for the preſent and future times, that a man of ſo great eminence, power and authority, being impeached and accuſed of ſuch high Crimes and Offences, ſhould yet enjoy his

An. 1626. Liberty, hold ſo great a part of the ſtrength of the Kingdom in his hands, ſit as a Peer in Parliament, and be acquainted with the Counſels thereof, whereby inevitable miſchief may ſuddenly fall upon the Kingdom. Wherefore they have thought it their duty to recommend this their unanimous deſire to their Lordſhips, as agreeable to Law and reaſon, That they would be pleaſed forthwith to commit the perſon of the ſaid Duke to ſafe Cuſtody.

Whereupon the Duke made this Speech in the Lords Houſe.

My Lords,

The Dukes Speech againſt the Commons.

"IF I ſhould hold my peace, it would argue guilt; If I ſhould ſpeak, it "would argue boldneſs, being ſo foully accuſed. Your Lordſhips ſee "what Complaints are made againſt me by the Houſe of Commons. "How well I ſtood in their opinions not long ſince, your Lordſhips "know it: What I have done ſince to loſe their good opinions, I pro- "teſt I know not. I cannot ſo diſtruſt my own Innocencie, and my heart "which abhors guilt, as to decline any Courſe, or Court of Juſtice: "And had not they brought my Cauſe to your Lordſhips, it ſhould have "been my own work; And they have done me a favor to deliver me "out of their hands into your Lordſhips.

"I will not ſpeak any thing to caſt dirt at thoſe, who have taken "pains to make me ſo foul; but to proteſt my innocencie in that meaſure, "which I ſhall ever hope to prove, it being before ſuch juſt Judges: "I deſire my Trial may be haſtened, that I may no longer ſuffer then I "muſt needs. And now that my Accuſer hath not been content only to "make my Proceſs, but to preſcribe to your Lordſhips the manner of "your Judgment, and to judge me before I am heard, I ſhall not give "way to any of their unjuſt Demands, &c.

The *Commons* diſcontented at the impriſonment of their Members.

The Commons upon the Impriſonment of their Members, and the offence taken by the King at the words ſpoken by thoſe two Gentlemen in impeaching the Duke, reſolved to proceed in no other buſineſs till they were righted in their Liberties, and ordered that the Houſe be turned into a Grand Committee preſently to ſit and conſider of the beſt way and means to effect the ſame, and that no Member be ſuffered to go forth. At which time Sir *Dudley Carlton* obſerving that unuſual, and as he termed it, ſullen ſilence of the Houſe, made this Speech.

Sir *Dudley Carleton's* Speech.

"I find by a great ſilence in this Houſe, that it is a fit time to be heard, "if you pleaſe to give me the patience. I may very fitly compare the "heavineſs of this Houſe unto ſome of my misfortunes by Sea in my "Travels; For as we were bound unto *Marſeilles*, by overſight of the "Mariners we miſtook our Courſe, and by ill fortune met with a Sand; "That was no ſooner overpaſt, but we fell on another; and having "eſcaped this likewiſe, we met with a third, and in that we ſtuck faſt. "All of the Paſſengers being much animated by this diſaſter, as now "we are here in this Houſe for the loſs of thoſe two Members: At "laſt an old experienced Mariner upon conſultation affirmed, That "the ſpeedieſt way to come out from the Sands, was to know how we "came there; So well looking and beholding the Compaſs, he found

"by

"by going in upon such a point we were brought into that streight; "wherefore we must take a new point to rectifie and bring us out of "danger.

"This House of Parliament may be compared to the Ship; the "Sands, to our Messages; and the Commitment, to the Sands that "the Ship did stick fast in; and lastly the Compass, to the Table where "the Book of Orders doth lie. Then I beseech you, let us look into the A "Book where the Orders are, whether the Gentlemen did go no further "then the Order did warrant them. If they did not, it is fit that we "should defend them whom we imployed in our behests: But if they "have exceeded their Commission, and delivered that which they had "not warrant for, it is just that we let them suffer for this presumption; "and this our Course will bring us from these Rocks.

"I beseech you Gentlemen, move not his Majesty with trenching "upon his Prerogatives, lest you bring him out of love with Parliaments. B "You have heard his Majesties often Messages to you, to put you for- "ward in a Course that will be most convenient. In those Messages "he told you, That if there were not Correspondencie between him "and you, he should be inforced to use new Counsels. Now I pray you "consider what these new Counsels are, and may be: I fear to declare "those that I conceive. In all Christian Kingdoms you know that Par- "liaments were in use antiently, by which their Kingdoms were governed "in a most flourishing manner; until the Monarchs began to know their C "own strength, and seeing the turbulent spirit of their Parliaments, at "length they by little and little began to stand upon their Prerogatives, "and at last overthrew the Parliaments throughout Christendom, except "here only with us.

"And indeed you would count it a great misery, if you knew the "Subject in Foreign Countries as well as my self; to see them look not "like our Nation, with store of flesh on their backs, but like so many "Ghosts, and not men, being nothing but skin and bones, with some D "thin cover to their nakedness, and wearing only woodden shoos on "their feet; so that they cannot eat meat, or wear good clothes, but "they must pay and be taxed unto the King for it. This is a misery be- "yond expression, and that which yet we are free from: Let us be care- "ful then to preserve the Kings good opinion of Parliaments, which "bringeth this happiness to this Nation, and makes us envied of all "others, while there is this sweetness between his Majesty and his Com- "mons; lest we lose repute of a Free-born Nation, by our turbulencie E "in Parliament. For in my opinion, the greatest and wisest part of a "Parliament are those that use the greatest silence, so as it be not opi- "niotory, or sullen, as now we are by the loss of these our Members that "are committed.

"This good Correspondencie being kept between the King and "his people, will so join their love and favor to his Majesty with liking "of Parliaments, that his Prerogative shall be preserved entire to him- "self without our trenching upon it; and also the Priviledge of the Sub- "ject (which is our happiness) inviolated, and both be maintained to F "the support of each other. And I told you, if you would hear me pati- "ently, I would tell you what exception his Majesty doth take at those "Gentlemen that are committed. You know that Eight Members were "chosen to deliver the Charge against the Duke, but there were only "Six imployed for that purpose; insomuch that there was no Exception.

An. 1626.

"As for Sir *Dudley Diggs* his part, that was the Prologue, and in "that his Majesty doth conceive that he went too far beyond his Com- "mission, in pressing the death of his ever blessed Father in these words, "That he was commanded by the House, concerning the Plaister applied "to the King, *That he did forbear to speak further in regard of the Kings* "*Honor*, or words to that effect; this his Majesty conceiveth to be to his "dishonor, as if there had been any underhand dealing by his Majesty, in "applying of the Plaister, and this may make his Subjects jealous of his "doings: In this Point his Majesty is assured, that the House did not "warrant him. Now for that which is excepted against Sir *John Elliot*, "his over bitterness in the Aggravation upon the whole Charge, and "specially upon some of the heads of it: For if you please to remember, "when I moved for putting of the St *Peter* of *Newhaven* out of the "Charge against the Duke of *Buckingham*, and shewed my reasons for "that purpose, you know how tender Sir *John Elliot* was of it, as if he "had been a child of his own, and so carefull in the handling thereof "by a Stranger, that he would not suffer it to be touched, though with "never so tender a hand, for fear it might prove a Changeling: which "did manifest, how specious soever his pretences were, that he had *oculum* "*in Cauda*: And I must confess, I was heartily sorry when he delivered "his Aggravation to the Lords, to see his Tartness against the Duke; "when as he had occasion to name him, he onely gave him this Title of "*This man*, and *The man*, whereas the other observed more respect and "modesty in their Charges against so great a Person as the Duke is, "considering that then he was not convicted, but stood *rectus in Curia*. "Lastly, for pressing the death of his late Majesty, you know that the "Sense of the House concluded, That it is only an Act of Presumption; "nay, some of them expressly said, *Nay God forbid that I should lay the death* "*of the King to his Charge*. If he without warrant from the House in- "sisted upon the Composition of the Plaister, as if there were *Aliquid* "*Latet quod non patet*; This was beyond his Commission from our House, "and this is that which his Majesty doth except against; And this I "say drew his Majesty, with other insolent Invectives, to use his Regal "authority in committing them to the *Tower*.

Sir *Dudley Diggs* being charged for saying in the matter of applying the Plaister to his late Majesty, *That he did forbear to speak further of that in regard of the Kings honor*, or words to that effect; There passed a Protestation of every man in particular for himself; and it was Ordered in the House, That they that were sick in the Town, should have three of the House sent to them to take this Protestation likewise.

The *Commons* Protestation touching words imputed to Sir *Dudley Diggs*.

I Protest before Almighty God and this house of Parliament, That I never gave consent that Sir Dudley Diggs should speak these words that he is now charged withall, or any words to that effect; And I have not assented to any that he did speak such words, or any to that effect.

Sir *D. Diggs* released out of prison, protests he never spake the words charged on him.

Within few dayes after Sir *Dudley* being released out of Prison, came into the House, and made Protestation concerning the Passage whereat his Majesty had taken offence, That speaking of the Plaister applied to the Body of the late King, he said, *He would forbear to speak any further of it, in regard of the Kings honor*, He protested, that this was far from his words,

words, and that it never came into his thoughts. And he gave the House great thanks for their respect unto him, and said, That he had received from his Majesty a gracious testimony of his satisfaction. 2 *Caroli.*

And the King himself signified to the House by the Vice-Chamberlain, That he understood out of some Notes which were taken at the Conference, that Sir *Dudley Diggs* had spoken the words wherewith he was charged, but now was satisfied that he did not speak them, nor any words to such effect: Nevertheless, the Duke affirmed to the House of Peers, that some words were spoken at this late Conference by Sir *Dudley Diggs*, which so far did trench upon the Kings Honor, that they are interpreted Treasonable; and that (had he not been restrained by order of the House) he would then have reprehended him for the same: He therefore earnestly desired, for that divers constructions have been made of those words, and for that they have been diversly reported, that every one of the said Reporters would be pleased to produce their Notes taken at the Conference.

The King is satisfied that the words were not spoken.

The Duke dissatisfied.

This matter was much debated, and the House of Peers often put into a Committee, and reassumed again, but they came to no resolution therein. In fine, these Lords following, (to the number of thirty six) made this voluntary Protestation upon their Honors; That the said Sir *Dudley Diggs* did not speak any thing at the said Conference, which did or might trench on the Kings Honor; and if he had, they would presently have reprehended him for it.

Thirty six Lords protest they heard not the words supposed to be spoken at a Conference.

The Lord President affirmed, That he had reported the words in the same sence they were delivered unto him by the party himself, and though the connexion of them require to be explained, yet he agreed with the rest of the Lords, for the Parties good meaning, and made the same Protestation.

The Lords who Protested were these; *viz.*

The Earl of Mulgrave.	*Lord* Grey *of* Warke.
Earl of Cleveland.	*Lord* Noell.
Earl of Westmerland.	*Lord* Montague.
Earl of Bullingbrook.	*Lord* Russel.
Earl of Clare.	*Lord* North.
Earl of Denbigh.	*Lord* Cromwell.
Earl of Cambridge.	*Lord* Vaux.
Earl of Devon.	*Lord* Dudley.
Earl of Warwick.	*Lord* Morley.
Earl of Northampton.	*Lord* Piercy.
Earl of Bridgewater.	*Lord Bishop of* Sarum.
Earl of Montgomery.	*Lord Bishop of* Landaffe.
Earl of Nottingham.	*Lord Bishop of* Chester.
Earl of Lincoln.	*Lord Bishop of* Cov. *and* Lich.
Earl of Essex.	*Lord Bishop of* Worcester.
Earl of Hertford.	*Lord Bishop of* Norwich.
Earl of Kent.	*Lord Vicount* Say *and* S.
Earl of Oxon.	*Lord Vicount* Rocheford.

Not

An. 1626.

Not long after Sir *John Elliot* alſo was releaſed out of the Tower, and ſent for to come into the Houſe. Then the Vice-Chamberlain ſtood up, and by way of Explanation of his former Speech, ſaid,

Sr *John Elliot* is releaſed out of the Tower.

"That he intended not to charge him, but to give him an occaſion to "diſcharge himſelf. Firſt, That all the others had uſed reſpective words "in the Conference; but for the manner of his Speech, he conceived it "was too tart and harſh to the perſon of the Duke, and that in repreſent- A
"ing a Character of his minde, by comparing him with a ſtrange beaſt, "he had out-gone his Commiſſion. Secondly, That contrary to the "ſenſe of the Houſe, as if they were ignorant of the return of the ſhips "out of *France*, he ſaid, *They ſay they are come, but I know it not*; when "the Houſe knew it full well. That ſpeaking of the Duke, he ſaid, "*That man*, which phraſe in all Languages is accounted a great indignity "to perſons of Honor: That he made ſcandalous compariſons between "the Duke and *Sejanus*, and the Biſhop of *Ely*, which was likewiſe be- B
"ſides his Charge; That he brake off ambiguouſly and abruptly with a "Sentence of *Cicero*, as if ſomething elſe might be which was not yet "diſcovered.

Is charged by Sir *Dudley Carlton* for his Speech againſt the Duke.

Sir *John Elliot* thanked the Vice-Chamberlain for dealing ſo plainly with him, and giving him occaſion to clear himſelf: And to the particular charged againſt him, he anſwered,

He diſchargeth himſelf. C

"Firſt, conſidering the Dukes plurality of great and different "Offices, together with his deceit and fraud, in perſwading the Mer- "chants to go to *Diep*, there to entrap them; in colouring the Deſigns "to the King, which he had plotted to ſerve againſt thoſe of his Religi- "on; in abuſing the Parliament at *Oxford*, and diſguiſing his purpoſe, as "if the ſhips were to go to *Rochel*. Theſe particulars being ſo various, "and of ſuch a nature, he called by the name of *Stellionatus*, from a beaſt "diſcoloured, uncertain, and doubtfull, that they knew not by what D
"name to call it, or by what colour to deſcribe it; and theſe he called a "Character of the minde, becauſe they lie in the heart, and were deceits "to abuſe the King and Parliament.

"Secondly, as to his ſaying, *He knew not the ſhips were come*; he an- "ſwered, he did not know it then, and as yet he knew it not, though it "was true that he had heard it.

"Thirdly, he denied not, that ſpeaking of the Duke, he ſometimes E
"uſed this word, *that man*, though at other times he was not wanting "to give him his due titles; and ſaid, That the Latines, ſpeaking of "*Cæſar*, call him *Ille Cæſar*, and that the ſame is uſual in all Languages; nor "did he think the Duke to be a God.

"Fourthly he confeſſed, That he paralleled him with the Biſhop of "*Ely* and *Sejanus*, and though there were many particular cenſures of "that Biſhop, yet he produced none but ſuch as were within the compaſs "of his Charge; nor did he apply the Veneries and Veneficies of *Sejanus* "to the Duke, but excluded them. F

"Laſtly, touching the Phyſick of the King, he ſaid, he brake off "ſo abruptly in aggravation of the Dukes offence, who not content "with the injury of Juſtice, the wrong of Honor, the prejudice of the "State, nor that of the Revenue, his attempts go higher, even to the "perſon of the King, making on that his practice in ſuch a manner, to

2 *Caroli.*

"such an effect, that he said, he feared to speak, nay, he doubted to "think; in which regard he left it, as *Cicero* did another thing, *Negravio-*"*ribus, &c.*

It was then resolved on the Question, That Sir *John Elliot* hath not exceeded the Commission given him in any thing that passed from him, in the late Conference with the Lords: The like for Sir *Dudley Diggs*, both passed without a Negative; the like Vote did pass for Mr *Selden*, Mr *Herbert*, Mr *Glanvile*, Mr *Sherland*, Mr *Pym*, and Mr *Wandesford*, who were also managers at that Conference.

The King in the time of this Parliament had committed the Earl of *Arundel* to the Tower, but the cause of his Commitment was not expressed; yet it was conceived to be about the Marriage of the Lord *Maltravers*, the Earls eldest son, to the young Duke of *Lenox* his sister, which was brought about by the contrivance of the Countess of *Arundel* and the old Dutchess of *Lenox*. The Lords were highly discontented at his commitment in time of Parliament; concerning whose Liberties and their own Priviledges, they had presented several Petitions to his Majesty, but receiving no satisfactory answer thereto, agreed on this ensuing Petition occasioned by the release of Sir *Dudley Diggs*.

The Lords Petition to the King about the Earl of *Arundel*, imprisoned in the time of Parliament.

May it please your Majesty,

The cause that makes us now to attend your Majesty, (as at first we did) is because we observe that the House of Commons have speedily received a Member of theirs who was committed: We the Peers, ambitious to deserve of your Majesty, and to appear to the eye of the world as much respected in our Rights and Priviledges, as any Peers or Commons have ever been, acknowledging prevailing of as much goodness as ever King was; do now humbly beseech that the Earl of Arundel, a Member of our House, may be restored to us; it so much concerning us in point of Priviledge, that we all suffer in what he suffers in this Restraint.

In *March* last when the Earl of *Arundel* was committed, the House of Lords purposed to take the same into their considerations, and so to proceed therein, as to give no just cause of offence to his Majesty, and yet preserve the Priviledges of Parliament.

The Lord Keeper of the Great Seal thereupon signified unto the House, that he was commanded to deliver this Message from his Majesty unto their Lordships; *viz.*

"That the Earl of *Arundel* was restrained for a misdemeanor which "was personal to his Majesty, and lay in the proper knowledge of his "Majesty, and had no relation to matters of Parliament.

Whereupon the House was put into a Committee, and being resumed,

The Lords Committees for Priviledges, *&c.* were appointed to search for Presidents Concerning the commitment of a Peer of this Realm during the time of Parliament; and the Lord Chief Justice, Mr Justice *Dodridge*, and Mr Justice *Yelverton*, were appointed to attend their Lordships in that behalf.

The

An. 1626.

The day following the Lord Teasurer delivered another Message from the King *in hac verba*.

The Kings Message to the Lords touching the Earl of *Arundel*.

"WHereas upon a Motion made by one of your Lordships, the Lord Keeper did yesterday deliver a Message from his Majesty, that the Earl of *Arundel* was restrained for a misdemeanor which was personal to Majesty, and lay in the proper knowledge of his Majesty, and had no relation to matters of Parliament: His Majesty hath now commanded him to signifie to your Lordships, that he doth avow the Message in sort as it was delivered, to have been done punctually according to his Majesties own Direction, and he knoweth that he hath therein done justly, and not diminished the Priviledges of that House.

And because the Committee appointed yesterday to search for Presidents, *&c.* had not yet made any Report to the House; therefore the directions for this business were suspended for that time.

Not long after the Earl of *Hertford* made report to the House, That the Lords Committees for Priviledges met on Monday last; The first Question that arose amongst them was, Whether those Proxies were of any validity which are deputed to any Peer, who sitteth not himself in Parliament? And it was conceived that those Votes were lost: Whereupon the Committee found this House to be deprived of five suffrages by the absence of the Earl of *Arundel*, unto whom they were intrusted: And the Committee finding by the Journal Book, that the Sub-Committee which was appointed to search Presidents for Priviledges concerning the Commitment of a Peer in the time of Parliament, had not yet made report to the House: and then considering together their Notes of Presidents whereof they had made search, found, That no one Peer had been committed, the Parliament sitting, without trial of Judgement of the Peers in Parliament; and that one only President of the Bishop of *Winchester* in the Book-Case, in the Third year of *Edw.* 3. which was here urged, cannot be proved to be in Parliament time; and this the Lords of the Grand-Committee thought fit to offer to the consideration of the House.

The Lords resolved to maintain their priviledges.

Hereupon the House was moved to give power to the Lords Sub-Committees for Priviledges, *&c.* to proceed in the search of Presidents of the Commitment of a Peer of this Realm during the time of Parliament; and that the Kings Council might shew them such Presidents as they have of the said Commitment; And that the said Sub-Committee may make the Report unto the House at the next access.

All which was granted and agreed unto, and these Lords were called unto the said Sub-Committee; *viz.*

The Lord Treasurer.	*The Earl of* Clare.
Lord President.	*The Viscount* Wallingford.
Duke of Buckingham.	*Viscount* Mansfield.
Earl of Dorset.	*Lord* North.
Earl of Devon.	

And the Kings Council were appointed to attend the Lords.

The

2 Caroli.

The Lord President reported the Proceedings of the said Sub-Committees for Priviledges, &c. upon Commitment of the Earl of *Arundel*, *viz.*

"That the Kings Council had searched and acquainted the Lords "Sub-Committees with all that they had found in Records, Chroni-"cles, and Stories, concerning this matter: Unto which the said Lords "Sub-Committees had given full Answer, and also shewed such Presi-"dents as did maintain their own Rights.

The Presidents being read, (which for the length we forbear to mention) It was resolved upon the Question by the whole House, *Nemine dissentiente*,

"That the Priviledge of this House is, That no Lord of Parlia-"ment, the Parliament sitting, or within the usual times of Priviledges "of Parliament, is to be imprisoned or restrained without Sentence or "Decree of the House, unless it be for Treason or Felony, or refusing "to give Surety of the Peace.

And it was thereupon ordered, That the said Lords Sub-Committees for Priviledges, &c. or any five of them, shall meet this afternoon to consider of a Remonstrance and Petition of the Peers concerning the Claim of their Priviledges from Arrests and Imprisonments during the Parliament. Which was conceived by the Lords Sub-Committees for Priviledges, according to the Order of the House, and was read openly, *viz.*

May it please your Majesty,

A Remonstrance and Petition of the Peers in behalf of the Earl of *Arundel*.

WE the Peers of this your Realm assembled in Parliament finding the Earl of Arundel absent from his place, that sometimes in this Parliament sate amongst us, his presence was therefore called for: But thereupon a Message was delivered unto us from your Majesty by the Lord Keeper, That the Earl of Arundel was restrained for a misdemeanor which was personal to your Majesty, and had no relation to matters of Parliament. This Message occasioned us to enquire into the Acts of our Ancestors, and what in like cases they had done, that so we might not erre in any dutiful respect to your Majesty, and yet preserve our right and priviledge of Parliament. And after diligent search both of all Stories, Statutes and Records that might inform us in this case, We find it to be an undoubted right and constant priviledge of Parliament, That no Lord of Parliament, the Parliament sitting, or within the usual times of Priviledge of Parliament, is to be imprisoned or restrained, without Sentence or Order of the House, unless it be for Treason or Felony, or for refusing to give Surety for the Peace. And to satisfie our selves the better, we have heard all that could be alleaged by your Majesties Council learned at the Law, that might any way weaken or infringe this claim of the Peers; And to all that can be shewed or alleaged, to full satisfaction hath been given, as that all the Peers of Parliament upon the Question made of this Priviledge, have *una voce* consented, That this is the undoubted Right of the Peers, and hath undeniably been enjoyed by them.

Wherefore we your Majesties Loyal Subjects and humble Servants, the whole body of the Peers now in Parliament assembled,

An. 1626.

most humbly beseech your Majesty, that the Earl of Arundel, a Member of this Body, may presently be admitted with your gracious favor to come, sit, and serve your Majesty and the Commonwealth in the great Affairs of this Parliament. And we shall pray, &c.

This Remonstrance and Petition to his Majesty was approved by the whole House, who agreed that it should be presented by the whole House to his Majesty; and it was further agreed, That the Lord President, the Lord *Steward*, the Earl of *Cambridge*, and the Lord Great-Chamberlain should presently go to the King to know his Majesties pleasure when they shall attend him. A

These Lords returning, the Lord President reported, that his Majesty had appointed that day, between two and three of the clock, for the whole House to attend him with the said Remonstrance and Petition in the Chamber of Presence at *Whitehall*.

And it was agreed, That the Lord Keeper should then read the same to the King, and present it unto his Majesty. B

The Twentieth of *April*, the Lord President reported the Kings Answer unto the Remonstrance and Petition of the Lords, to this effect:

The Kings first Answer to the Remonstrance and Petition.

"That their Lordships having spent some time about this business, "and it being of some consequence, his Majesty should be thought rash "if he should give a sudden Answer thereto; and therefore will advise "of it, and give them a full Answer in convenient time. C

The 21. of *April* 1626. It was ordered, That the House should be called on Monday next, being the 24. of *April*.

The King promiseth to answer the said Remonstrance

Which was done accordingly: And the Earl of *Arundel* being called, the Lord Keeper signified unto the House, That his Majesty had taken into consideration the Petition exhibited by their Lordships the 19. of *April* concerning the Earl of *Arundel*, and will return an Answer thereunto with all expedition. D

The Lords are urgent for an Answer.

The 2. of *May* it was ordered, That the Lord Keeper should move his Majesty from the House for a speedy and gracious Answer unto the Petition on the Earl of *Arundels* behalf.

The King returns another Answer to the Lords touching the Remonstrance.

The 4. of *May* 1626. the Lord Keeper signified unto their Lordships, That according to the Order of the 2. of *May*, he had moved his Majesty from the House on the behalf of the Earl of *Arundel*: Who answered, E

"It is a Cause wherein he hath had a great deal of care, and is "willing to give their Lordships satisfaction, and hath it in his con-"sideration how to do it, and hath been interrupted by other business, "wherein Mr. Attorney hath had occasion of much conference with him, "(as their Lordships are acquainted:) But will with all conveniencie "give their Lordships satisfaction, and return them an Answer.

The 9. of *May* 1626. the House being moved to petition the King touching the Earl of *Arundel*, certain Lords were appointed to set down the form of the said Petition, who reported the same in writing as followeth, *viz.* F

May

2 *Caroli.*

May it please your Majesty,

Another Petition to the King touching the Earl of *Arundel.*

A Whereas the whole body of the Peers now assembled in Parliament, did the 19 day of April exhibit to your Majesty an humble Remonstrance and Petition concerning the Priviledge of Peers in Parliament, and in particular touching the Earl of Arundel, whereupon we received a gracious Answer, That in convenient time we should receive a fuller Answer, which we have long and dutifully attended: And now at this time so great a business being in handling in the House, we are pressed by that business to be humble suitors to your Majesty for a gracious and present Answer.

Which being read, was approved of by the House, and the said B Committee appointed to present the same unto his Majesty from the House, at such time as the Lord Chamberlain shall signifie unto them, that his Majesty is pleased to admit them to his presence.

The 11 of *May* the Lord President reported the Kings Answer to the said Petition,

The King takes exception at the Petition.

"That he did little look for such a Message from the House; That "himself had been of the House, and did never know such a Message C "from the one House unto the other: Therefore when he received a "Message fit to come from them to their Soveraign, they shall receive "an Answer.

The Lords desire to know of his Majesty, to what part of the Petition he takes exception.

The Lord President further Reported, That the Lords Committees appointed to deliver the Petition to the King, did thereupon withdraw, and required him humbly to desire his Majesty to be pleased to let them know, unto what point of the said Petition he takes this Exception; D and that his Majesty willed him to say this of himself; *viz.*

"The Exception the King taketh, is at the peremptoriness of "the Term, *To have a Present Answer*; And the King wonders at "their impatience, since he hath promised them an answer in con-"venient time.

The Petition presented again, and the word (present) left out.

Hereupon the House altered their former Petition, leaving out the E word *Present*, and appointed the former Committee humbly to deliver the same to his Majesty.

The 13 of *May* the Lord President reported the Kings Answer to the Petition; *viz.*

The Kings answer to the Petition so ordered.

"IT is true, the word (*Present*) was somewhat strange to his Ma-"jesty, because they did not use it from one House to another; "but now, that his Majesty knows their meaning, they shall know F "this from him, that they shall have his Answer so soon as conve-"niently he can; And this his Majesty will assure them, it shall be "such an Answer, as they shall see will not trench upon the Priviledges "of the House.

An. 1626.

The Lords having agreed on another Petition to the King, wherein they acknowledged him to be a Prince of as much goodneſs as ever King was.

The 19 of *May* the Lord Chamberlain ſignified to their Lordſhips, That his Majeſty being acquainted therewith, is pleaſed that this Houſe attend him at two of the Clock this day in the Afternoon at *Whitehall*.

On which day the Lords delivered the Petition to his Majeſty; who upon the 20 *May* returned this Anſwer.

The Kings Anſwer to the Petition.

My Lords,

"I See that in your Petition you acknowledge me a King of as much goodneſs as ever King was; for which I thank you, and I will endeavor, by the Grace of God, never to deſerve other: But in this I obſerve that you contradict your ſelves; for if you believe me to be ſuch, as you ſay I am, you have no reaſon to miſtruſt the ſincerity of my Promiſes: For, whereas upon often Petitions made by you unto me concerning this buſineſs, I have promiſed to give you a full Anſwer with all convenient ſpeed; by this again importuning of me you ſeem to miſtruſt my former promiſes: But it may be ſaid there is an Emergent cauſe, for that I have delivered a Member of the Lower-Houſe?

"In this, My Lords, by your favour you are miſtaken, for the Cauſes do no way agree; for that he that was committed of the Houſe of Commons was committed for words ſpoken before both Houſes, which being ſuch as I had juſt cauſe to commit him; yet becauſe I found they might be words onely miſplaced, and not ill meant, and were ſo conceived by many honeſt men, I was content upon his interpretation to releaſe him, without any ſuit from the Lower-Houſe; whereas my Lord of *Arundel*'s fault was directly againſt my ſelf, having no relation to the Parliament; yet becauſe I ſee you are ſo impatient, I will make you a fuller Anſwer then yet I have done, not doubting but that you will reſt contented therewith.

"It is true, I committed him for a cauſe which moſt of you know, and though it had been no more, I had reaſon to do it; yet, my Lords, I aſſure you, that I have things of far greater importance to lay to his charge, which you muſt excuſe me for, not to tell you at this time, becauſe it is not yet ripe, and it would much prejudice my ſervice to do it; and this, by the word of a King, I do not ſpeak out of a deſire to delay you, but as ſoon as it is poſſible, you ſhall know the cauſe, which is ſuch as I know you will not judge to be any breach of your Priviledges: For, my Lords, by this I do not mean to ſhew the power of a King, by diminiſhing your Priviledges.

This Anſwer being read, it was ordered, That the Committee for Priviledges ſhould meet, and conſider how farther to proceed with dutifull reſpect to his Majeſty; and yet ſo, as it may be for the preſervation of the Priviledges of the Peers of this Land, and the Liberties of the Houſe of Parliament.

Another Petition of the Lords touch the Earl of *Arundel*.

The 24 of *May* the Lord Preſident reported the Petition agreed on by the Lords Committees for Priviledges *&c.* to be preſented to the King, which was *in hæc verba*.

May

2 *Caroli.*

May it please your most Excellent Majesty,

Whatever our care and desire is to preserve our right of Peers, yet it is far from our thoughts either to distrust, or to press any thing that stands not with the affection and duty of most dutiful and loyal Subjects: And therefore in all humility we cast our selves A before your Majesty, assuring our selves in the word of a King, that with all convenience possible your Majesty will please either to restore the Peer to his place in Parliament, or appoint such a cause as may not infringe our Priviledges.

The Petition was generally approved, and ordered to be presented to his Majesty by the whole House; and the Earl of *Carlisle* and the Lord *Carlton* to go presently to know the Kings pleasure when they shall B attend his Majesty. Who being returned, reported, That his Majesty hath appointed that Afternoon at two of the clock for the same.

The 25. of *May*, the Lord Keeper delivered the Kings Answer unto the said Petition, to be read *in hac verba*, viz.

My Lords,

"YOur often coming to me about this matter, made me somewhat C "doubt you did mistrust me: But now I see you rely wholly on me, "I assure you it shall prevail more upon me then all importunities; And "if you had done this at first, I should have given your content. And "now I assure you I will use all possible speed to give satisfaction, and at "the furthest before the end of this Session of Parliament.

The Kings Answer to this Petition.

This being read, the House was moved the second time, That all businesses might be laid aside, and that Consideration might be had how D their Priviledges may be preserved unto posterity. And the House was put into a Committee for the freer Debate thereof, and afterwards resumed: And it was ordered, That the House be adjourned till to morrow, and all businesses to cease.

The Lords adjourn in disgust till the morrow.

The 26. of *May*, the Lord Keeper delivered this Message from the King to the House of Lords, *viz.*

"THat his Majesty hath willed him to signifie unto their Lordships, E "That he doth marvel his meaning in his last Answer should be mis- "taken: And for the better clearing of his intention, hath commanded "him to signifie unto their Lordships his further Answer, which is, "That their Lordships last Petition was so acceptable to his Majesty, "that his intent was then, and is still, to satisfie their Lordships fully in "what they then desired.

His Majesties Message to the Lords.

Whereupon it was ordered, That all businesses be adjourned till that day seven night.

Upon this Message the Lords adjourn for a seven-night.

F At the same time the Duke of *Buckingham* signified unto their Lordships his desire to have the Kings Council allowed him to plead his cause: But the Lords would not hear him, because they would entertain no business: And so the House was adjourned to the second of *June*. At which time the House sitting again, the Lord Keeper delivered this Message from the King to the House of Lords, *viz.*

"His

An. 1626.

Another Message to the Lords from his Majesty concerning the Earl of *Arundel*.

"HIs Majesty hath commanded me to deliver unto your Lordships "a Message touching the Earl of *Arundel*; That his Majesty hath "thought of that business, and hath advised of his great and pressing "affairs, which are such as make him unwilling to enter into dispute of "things doubtful: And therefore to give you clear satisfaction touching "that Cause, whereby you may more cheerfully proceed in the business "of the House, he hath endeavored as much as may be to ripen it, but "cannot yet effect it; but is resolved that at the furthest by Wednesday "sevennight, being the fourteenth of *June*, he will either declare the "Cause, or admit him to the House. And addeth further upon the word "of a King, That if it shall be sooner ripe, which he hath good cause "to expect, he will declare it at the soonest. And further, That if the "occasion doth enforce to stay to the time prefixed, yet he doth not "purpose to set such a short end to the Parliament, but that there shall "be an ample and good space between that, and the end of the Sessions, "to dispatch affairs.

A

B

The Lords adjourn again.

This Message being delivered, the House was adjourned *ad libitum*, and put into a Committee; And being resumed, it was agreed, That all businesses should cease, but this of the Earl of *Arundel's* concerning the Priviledges of the House; and the House to meet thereon to morrow morning, and to be put into a Committee to consider thereof. And so the House was adjourned to the next day.

C

Then the Lord Keeper delivered this Message from the King, *viz.*

Another Message from the King to the Lords concerning the Earl of *Arundel*.

"THat in the matter concerning the Earl of *Arundel*, his Majesty "hath been very careful and desirous to avoid all jealousie of vio-"lating the Priviledges of this House; that he continueth still of the "same mind, and doth much desire to find out some Expedient which "might satisfie their Lordships in point of Priviledge, and yet not "hinder his Majesties service in that particular. But because this will "require some time, his Majesty, though his great affairs are urgent "and pressing, is unwilling to urge their Lordships to go on therewith, "till his Majesty hath thought on the other: And therefore hath com-"manded him to signifie his pleasure, That his Majesty is contented "their Lordships adjourn the House till Thursday next; and in the "mean time his Majesty will take this particular business into further "consideration.

D

E

Hereupon the Lords agreed, That the Lord Keeper do render unto his Majesty from the House their humble thanks for his gracious respect unto their Priviledges.

Then the Lord Keeper demanded of the Lords, whether their Lordships would adjourn the House till Thursday next? Whereupon it was agreed by the Lords, and the House was so adjourned.

F

On Thursday *June* 8. the Lord Keeper delivered this Message to the Lords from his Majesty, *viz.*

"That

1 Caroli.

Another Meſſage to the Lords from his Majeſty.

"THat on Saturday laſt his Majeſty ſent word to the Houſe, That "by this day he would ſend them ſuch an Anſwer concerning the "Earl of *Arundel*, as ſhould ſatisfie them in point of Priviledge. And "therefore to take away all diſpute, and that their Priviledges may be "in the ſame eſtate as they were when the Parliament began, his Majeſty "hath taken off the reſtraint of the ſaid Earl, whereby he hath liberty "to come to the Houſe.

The Earl of *Arundel* releaſed comes to the Houſe.

The Earl of *Arundel* being returned to the Houſe, did render his humble thanks unto his Majeſty for this gracious favor towards him; and gave their Lordſhips alſo moſt hearty thanks for their often interceſſions for him unto the King, and proteſted his Loyalty and faithful ſervice unto his Majeſty.

Much about this time, Mr. *Moor* a Member of the Houſe of Commons, having ſpoken ſome words which ſeemed to reflect upon his Majeſty, they were reported to the Houſe, *viz.* That he ſaid, *We were born free, and muſt continue free, if the King will keep his Kingdom:* Adding theſe words, *Thanks be to God, we have no occaſion to fear, having a juſt and pious King.* The Houſe for theſe words committed Mr. *Moor* to the Tower of *London*; And his Majeſty ſhortly after ſent a Meſſage, That he had paſſed by his offence. Whereupon he was releaſed.

The Duke choſen Chancellor of *Cambridge* during his Impeachment.

While the Duke ſtood charged in the Parliament, the Chancellorſhip of *Cambridge* became void by the death of the Lord *Howard* Earl of *Suffolk*, who died on *Whitſonday* the 28. of *May* 1626. The Univerſity having underſtood by ſeveral hands, That it was the Kings expreſs will and pleaſure that the Duke ſhould be choſen in his ſtead, were ambitious and forward to expreſs their obedience to his Majeſty in that behalf; well knowing, that in regard of their multitude, and worthy Judgment and wiſdom, that is eſteemed and ought to be in thoſe Electors, this was one of the moſt honorable Teſtimonies of Worth and Integrity that the Nation can afford: And that whereas all other the Dukes Honors did but help the rather to ſink him with their weight, this would ſeem to ſhoar and prop him up.

Letters were pretended to be ſent from his Majeſty, to the intent to diſencourage all oppoſers: But though the pretence of Letters ſerved mainly to effect their ends, yet the producing of them would have prejudiced the chief intendment of the Election, namely the honor of the Teſtimony in it; which chiefly lying in the freedom of the Votes, had by Letters been cut off. Many Heads of Houſes beſtirr'd themſelves according to their ſeveral power and intereſt in their reſpective Societies; and *Trinity*-Colledge alone (the Maſter whereof was Doctor *Maw*, one of the Kings Chaplains) ſupplied the Duke with Forty three Votes, the third part of thoſe which ſerved the turn, for he had in all One hundred and eight.

He was choſen the Thurſday following the death of his Predeceſſor, namely the fourth day after the Vacancie, notwithſtanding fourteen days are allowed by the Univerſity-Statute. His chief ſtrength conſiſted in the Doctors (whereof ſeventeen were for him, and onely one againſt him) and in the Non-Regents, who are Maſters of Art of five years ſtanding and upward: Among the Regents (who are Maſters under five years) thirty more were againſt him then for him, and four whole Colledges

were

An. 1626. were entire against the Duke. For notwithstanding all the industry that could be imployed on his behalf, there was a Party so diligent and resolute, that the same morning the Choice was made, they jointly pitch'd upon the Lord *Thomas Howard*, second Son to the late deceased Chancellor, and Earl of *Berkshire*; though they had no Head appearing for him, nor one man in the University that was known to have any reference to him, excepting one Mr. *Granado Chester*, who was either his Chaplain or otherwise interessed in him: And notwithstanding all disadvantages, they lost it for the said Earl but by five Voices; for the Duke had but One hundred and eight, and the Earl had One hundred and three, besides that two of the Dukes were void by Statute, as being given to the Vice-Chancellor by compromise, to dispose of as he should think fit.

The Earl of *Berkshire* being afterwards acquainted with the intentions of the University towards him, wrote this Letter to Mr. *Chester*, a Divine related to his Lordship.

The Earl of *Berk-shire's* Letter to Mr. *Chester* touching Votes conferred upon him in the Choice of the Chancellor of *Cambridge*.

Mr. *CHESTER*,

THe infinite obligation which I owe to the University of Cambridge *for the late most ample Testimony of their great love and affection towards me, imboldens me to borrow your help to make known unto them my unfained thankfulness: Wherein I confess that the love and favor which they have expressed unto me, joined with the fashion of it, doth far exceed the weak expression of so feeble a Stile as mine is. For they have been pleased out of their abundant affection, to name me to one of the greatest Honors of this Kingdom, without any suit or means of mine, which was the Chancellorship of the University: The Voting whereof in this noble fashion, I account as much as could befall me; and do receive it with as much thankfulness, as if I were in full possession of the Place.*

I must therefore intreat you to disperse this my thankful Acknowledgment to all my worthy Friends there, who have so freely bestowed their Voices, and unsought for Favors upon me. And this labor I do the rather lay upon you, because you know I put you to no making means for me; which I should undoubtedly have done, if I had preconceived any intention of standing for this Dignity, so often wedded by men of high Places and Noble Families of this Realm; whereof my honored Father deceased enjoyed the last Testimony, and my Uncle before him; and not ceasing there, it was expressed unto me by an hereditary affection. Thus much I pray you make known for me, with this further assurance, That as I had my first Breeding, to my great Honor, in Cambridge, *so I will live and die*

The true Servant of the University,

S. James, 2 Junii 1626. Bershire.

The Commons being informed of the aforesaid Proceedings in *Cambridge*, directed a Letter to be written to that University to signifie the Houses dislike thereof. Whereupon the King signifieth to the House his pleasure by Sir *Richard Weston*, that they forbear to send any such Letter, for that the Election had been made by the power of the Charters according to the Rules and Liberties of the University; and that if there have been any Error in the form of the Election, it belongeth unto his Majesty to examine and reform it, and not unto the House. To which Message the Commons return this Answer.

"That

2 *Caroli.*

The Commons Answer.

"THat they do acknowledge they were about to Write to the Uni-
"versity, because that the very Election it self, whereby the Uni-
"versity is committed to the Government of one that is charged, and
"publickly complained of by the Commons in Parliament, whereof
"the Electors are a part, is in it self a very great Grievance, and pre-
"judicial in example; whereof they have Reason to be the more sen-
"sible, because they are informed, that in the manner of the Election
"there were many passages likewise done in contempt of the House:
"And do humbly beseech his Majesty to believe, That neither in this,
"nor any other thing, this House did or shall intend to enlarge their own
"Power and Jurisdiction, to the Diminution of his Majesties Right or
"Prerogative.

Whereunto his Majesty replied by the said Sir *Richard Weston.*

His Majesties Reply.

"HIs Majesty saith, That *Cambridge* and all Corporations derive
"their right and priviledge from him; and that he hath reason
"to esteem the Universities above any other, and is resolved to
"defend them against any, which either wilfully, or by chance, shall
"go about to infringe their Liberties. Concerning the Election it self,
"his Majesty is far from conceiving it a Grievance; for he never heard
"that Crimes objected, were to be taken as proved; or, that a man
"should lose his Fame or good Opinion in the World, upon an Accusa-
"tion onely.

"But whereas you say in the manner of carriage of the Election,
"there were many passages done in it to the contempt of the House. His
"Majesty is well pleased, that you enquire and punish the Offenders, if
"there be any that have mis-behaved themselves in that respect. But
"for the Election it self, or the Form of it, his Majesty doth avow his
"first Message.

The Duke returned this Acknowledgment to the University.

The Dukes Letter of Acknowledgement to the University of *Cambridge.*

MAster Vice-Chancellor, and Gentlemen of the University of Cambridge, *There is no one thing that concerneth me more near, then the good opinion of Good and Learned honest Men: Amongst which number, as you have ever held the first rank in the estimation of the Commonwealth, and fame of the Christian World; so in conferring this honor of Chancellorship upon me, I must confess you have satisfied a great ambition of mine, which I hope will never forsake me; and that is, To be thought well of by men that deserve well, and men of your Profession. Yet I cannot attribute this Honor to any desert in me, but to the respect you bear to the Sacred memory of my Master deceased, the King of Scholars, who loved you, and honored you often with his presence, and to my Gratious Master now living; who inherits with his Blessed Fathers Vertues, the affection he bore to your University.*

I beseech you, as you have now made your choice with so many kinde and noble Circumstances, as the Manner is to me as acceptable and grateful as the Matter; so to assure your selves, That you have cast your Votes upon your Servant, who is as apprehensive of the time you have shewed your affection in, as of the Honor you have given him.

An. 1626.

And I earneſtly requeſt you all, that you would be pleaſed, not to judge me comparatively by the ſucceſs and happineſs you have had in your former choice of Chancellors; who as they knew better perhaps by advantage of education in your Univerſity, how to value the deſerts of men of your qualities and degrees, ſo could they not be more willing to cheriſh you then my ſelf, who will make amends for my want of Schollarſhip, in my love to the Profeſſors of it, and to the ſource from whence it cometh; having now moſt juſt cauſe more cheifly to employ my utmoſt endeavors, with what favor I enjoy from a Royal Maſter, to the maintaining of the Charters, Priviledges, and Immunities of your Univerſity in general, and to the advancing of the particular merits of the Students therein. A

And ſince I am ſo far engaged to you, I will preſume upon a further courteſie, which is, That you will be pleaſed to ſupply me with your advice, and ſuggeſt a way unto me (as my ſelf likewiſe ſhall not fail to think on ſome means) how we may make Poſterity remember you had a thankful Chancellor, and that both really loved you, and your Univerſity: Which is a reſolution writ in an honeſt heart, by him that wanteth much to expreſs his Affection to you, who will ever be B

Your faithful Friend
and humble Servant

George Buckingham. C

Alſo the King was pleaſed to write to the Univerſity of *Cambridge*, in approbation of the ſaid Election.

Truſty and Well-beloved, We greet you well.

The Kings Letter to the ſaid Univerſity.

WHereas upon Our pleaſure, intimated unto you by the Biſhop of Durham, *for the choice of your Chancellor, you have with much duty, as We expected, highly ſatisfied Us in your Election; We cannot in Our Princely Nature (who are much poſſeſſed with this Teſtimony of your ready, and Loyal Affections) but for ever let you know, how much you are therein made partakers of Our Royal Approbation. And as We ſhall ever conceive, that an Honor done to a Perſon We favor, is out of a Loyal reſpect had unto Our Self: And as We ſhall ever juſtifie* Buckingham *worthy of this your Election, ſo ſhall you finde the fruits of it. For We that have found him a faithful Servant to Our dear Father of Bleſſed memory, and Our Self, cannot but undertake that he will prove ſuch a one to you; and will aſſiſt him with a Gratious Willingneſs in any thing that may concern the good of the Univerſity in general, or the particular Merits of any Students there.* D E

Given under Our Signet at Our Pallace of Weſtminſter, *the Sixth of* June, *in the Second year of Our Raign.*

June 8. Before the Duke gave in his Anſwer on that day unto the Houſe of Peers, to the Impeachment of the Houſe of Commons, he made this enſuing Speech. F

My

2 Caroli.

The Duke of *Buckinghams* Speech to the Lords Houſe, before he gave in his Anſwer.

My Lords,

A "IN a caſe of preſſure conſidered by it ſelf, I have a fair beginning, "it is a due debt to your Lordſhips for this Honorable Favor in leaving "it to my choice, whether I would anſwer to the particulars in the "Aggravation, or not. I may without leſſening my Obligation ſay, The "favor is greater at firſt, it may be yours, or your Poſterities hereafter. "I have in a manner tied my ſelf to my charge, hoping if I give your "Lordſhips ſatisfaction in that, the Aggravations will fall of themſelves. I "could not well have followed the Aggravations, being compoſed of "words, which I hope my actions have not deſerved; and I am ſure my "ears have not been made acquainted with, without ſome diſtraction of "ſpirit; yet I have left nothing of them unanſwered that is material. I B "have uſed as much ſpeed to come to an anſwer, as conveniently I could, "without prejudice of my cauſe, having my Reputation too long upon "the ſtage; and had your Lordſhips called for it ſooner, I had been as "ready as now I was deſirous, to detain your Lordſhips as little as may be "(with the expectation of my particular) from weightier buſineſs.

"I was alſo grieved that my buſineſs ſhould be a cauſe of the loſs of "this year from foreign attempts, and the hindrance of thoſe reſolutions "that would have comforted our Friends abroad, and ſecured our ſelves at C "home: But in this, my Lords, I am ſure you will eaſily acquit me in "your thoughts. When I look upon my Charge in general (as they did) "without ſearching into the integrity of mine own heart and actions, "which are yet unknown to moſt of them, I wonder not ſo much at "their proceedings, the particulars not being voted againſt me, nor "unanimouſly; but had they taken the means to have been better and "trulier informed of the particulars, or have given me cauſe to have in- "formed them, I aſſure my ſelf they had not troubled your Lordſhips D "with this Charge: But I confeſs there hath been that conteſtation in "the Houſe of Commons concerning my Juſtification, that I cannot "but acknowledge much favor there from many. And if the actions of "ſome others in that Houſe, do not conclude me of a worſe diſpoſition "then I ſhall hereafter be found, there is none but may ſay with me, *I am* "*at peace with all.*

"I ſhall onely for the preſent, apply my ſelf to the clearing of my "Reputation, and for the future, of thoſe actions and endeavors which E "may repoſſeſs me of that I have counted one of my greateſt loſſes, their "good opinions. I would not ſpeak nor profeſs this before your Lord- "ſhips, if Reaſon and my own diſpoſition did not warrant the performance "of it.

"For firſt, Who accuſed me? Common Fame. Who gave me "up to your Lordſhips? The Houſe of Commons.

"The one is too ſubtile a Body, if a Body; the other too great "for me to conteſt with; and I am confident, when my cauſe ſhall be F "tried, neither the one, or the other, or part of either, will be found to "be my enemy.

"But as Fame is ſubtle, ſo it is often and eſpecially in accuſations "falſe; therefore the Houſe of Commons have not wronged me: Yet "I am confident it will at length be found, that Common Fame hath a- "buſed both them and me.

An. 1626.

" I preſume the Houſe of Commons have proceeded againſt me out " of an hearty and zealous affection, to do their King and Country ſer- " vice, I hope out of Chriſtian Charity to puniſh and amend my faults " (if fame could have proved them) and not to envy my Reputation, or " deſtroy my Fortune. I ſhall never call ſuch proceedings wrong, if ſeek- " ing to cure my errors, give me opportunity to clear and publiſh my in- " nocency: For the State it ſelf, I have little to ſay, it is but a little, I " will not abuſe your Lordſhips patience. I was born and bred in it, I " ow it my ſelf; I have been raiſed to Honors and Fortunes in it (I freely " confeſs) beyond my Merits; what I wanted in ſufficiency and expe- " rience for the ſervice of it, I have endeavored to ſupply by care and in- " duſtry.

" And could there be the leaſt alienation hereafter in my heart from " the ſervice of the State, for any thing that hath paſt, I ſhould be the " ungratefulleſt man living; ſhould but ſuch a thought ſtain my heart, I " ſhould be content it were let blood. If my Poſterity ſhould not in- " herit the ſame fidelity, I ſhould deſire an inverſion in the courſe of Na- " ture, and be glad to ſee them earthed before me. My Anſwer to the " ſeveral points in Charge, I ſhall crave leave to deliver in brief, and in " form of Law, but as naked as truth loves to be; and ſo I leave my ſelf " and my cauſe to your Lordſhips Juſtice.

The humble Anſwer and Plea of George *Duke of* Buckingham, *to the Declaration and Impeachment made againſt him, before your Lordſhips, by the Commons Houſe of Parliament.*

His Anſwer and Plea to the Impeachment of the Houſe of Commons.

THe ſaid Duke of *Buckingham* being accuſed and ſought to be impeached before your Lordſhips, of the many Miſdemeanors, Miſpriſions, Offences, and Crimes, wherewith he is charged by the Commons Houſe of Parliament, and which are compriſed in the Articles preferred againſt him, and were aggravated by thoſe, whoſe ſervice was uſed by that Houſe in the delivery of them, Doth finde in himſelf an unexpreſſible preſſure of deep and hearty ſorrow, that ſo great and ſo worthy a Body ſhould have him ſuſpected of thoſe things which are objected againſt him; whereas, had that Honorable Houſe firſt known the very truth of thoſe particulars, whereof they had not there the means to be rightly informed, he is well aſſured in their own true judgments, they would have ſorborn to have charged him therewith.

But the integrity of his own Heart and Conſcience, being the moſt able and moſt impartial witneſſes, not accuſing him of the leaſt thought of diſloyalty to his Soveraign, or to his Country, doth raiſe his ſpirits again to make his juſt defence before your Lordſhips, of whoſe Wiſdom, Juſtice, and Honor, he is ſo well aſſured, That he doth with confidence, and yet with all humbleneſs ſubmit himſelf and his cauſe to your Examinations and Judgments, before whom he ſhall with all ſincerity and clearneſs, unfold and lay open the ſecrets of his own actions, and of his heart; and in his Anſwer ſhall not affirm the leaſt Subſtantial, and as near as he can the leaſt Circumſtantial point, which he doth not believe he ſhall clearly prove before your Lordſhips.

The

2 *Caroli.*

The Charge conſiſteth of Thirteen ſeveral Articles, whereunto the Duke, ſaving to himſelf the uſual benefit of not being prejudiced by any words or want of form in his Anſwer; but that he may be admitted to make further explanation and proof, as there ſhall be occaſion, and ſaving to him all Priviledges and Rights belonging to him, as one of the Peers of the Realm, doth make theſe ſeveral and diſtinct Anſwers following, in the ſame order they are laid down unto him.

A

The Charge touching Plurity of Offices.

His Charge touching Plurality of Offices.

To the firſt, which concerneth Plurality of Offices which he holdeth, he anſwereth thus, That it is true that he holdeth thoſe ſeveral Places and Offices, which are enumerated in the preamble of his Charge, whereof onely three are worthy the name of Offices, *viz.* The Admiralty, the Wardenſhip of the Cinque Ports, and Maſterſhip of the Horſe; B the other are rather titulary and additions of Honor. For theſe Offices he humbly and freely acknowledgeth the bounty and goodneſs of his moſt Gratious Maſter who is with God; who when he had caſt an Eye of Favor upon him, and had taken him into a more near place of ſervice about his Royal Perſon, was more willing to multiply his Graces and Favors upon him, then the Duke was forward to ask them; and for the moſt part (as many honorable perſons, and his now moſt Excellent Majeſty, above all others, can beſt teſtifie) did prevent the very deſires of C the Duke in asking: And all theſe particular places, he can and doth truly affirm, his late Majeſty did beſtow them of his own Royal motion (except the Wardenſhip of the Cinque Ports onely) and thereto alſo he gave his approbation and encouragement.

And the Duke denieth, that he obtained theſe places, either to ſatisfie his exorbitant ambition, or his own profit or advantage, as is objected againſt him: And he hopeth he ſhall give good ſatisfaction to the contrary in his particular Anſwers enſuing, touching the manner of his D obtaining the places of the Admiralty, and the Wardenſhip of the Cinque Ports, whereunto he humbly deſireth to refer himſelf. And for the Maſterſhip of the Horſe to his Majeſty, he ſaith it is a meer domeſtick office of attendance upon the Kings perſon, whereby he receiveth ſome profit; yet but as a conveniency to render him more fit for his continual attendance; and in that place, the times compared, he hath retrenched the Kings annual charge to a conſiderable value, as ſhall be made apparent.

E And for the number of places he holdeth, he ſaith, That if the Commonwealth doth not ſuffer thereby, he hopeth he may without blame, receive and retain that, which the liberal and bountiful hand of his Maſter hath freely conferred upon him: And it is not without many Preſidents, both in Antient and Modern times, That one man eminent in the eſteem of his Soveraign, hath at one time held as great and as many Offices: But when it ſhall be diſcerned, That he ſhall falſly or corruptly execute thoſe places, or any of them, or that the Publick ſhall ſuffer thereby; he is ſo thankful for what he hath freely received, that whenF ſoever his Gratious Maſter ſhall require it, without diſputing with his Soveraign, he will readily lay down at his Royal Feet, not onely his Places and Offices, but his whole Fortunes and his life, to do him ſervice.

For

An. 1626.

For his buying of the Admirals place, the ſaid Duke maketh this clear and true Anſwer.

His Charge touching his buying the Admirals place.

That it is true, that in *January*, in the Sixteenth year of his late Majeſties Raign, his late Majeſty did by his Letters Patents under the Great Seal of *England*, grant unto the Duke the Office of Admiralty for his life; which Grant, as he well knoweth it, was made freely and without A any Contract or Bargain with the late Lord Admiral, or any other; and upon the voluntary Surrender of that Noble and wel-deſerving Lord, ſo he is adviſed it will appear to be free from any defect in Law, by reaſon of the Statute of 5 *Edw.6.* mentioned in this Article of his Charge, or for any other cauſe whatſoever: For he ſaith the true manner of his obtaining this Office, and of all the paſſages thereof, which he is ready to make good by Proof, was thus, That Honorable Lord, the late Earl of *Nottingham*, the Lord Admiral, being grown much in years, and find- B ing that he was not then ſo able to perform that which appertained to his place, as in former times he had done to his great Honor; and fearing leſt his Majeſties ſervice, and the Commonwealth, might ſuffer by his defect, became an humble and earneſt Petitioner to his late Majeſty, to admit him to ſurrender his Office. His late Majeſty was at the firſt unwilling unto it, out of his Royal Affection to his Perſon, and true Judgment of his worth: But the Earl renewed his Petitions, and in ſome of them nominated the Duke to be his Succeſſor, without the Dukes privity C or fore-thought of it. And about that time, a Gentleman of good place about the Navy, and of long experience, of himſelf came to the Duke, and earneſtly moved him to undertake the place. The Duke apprehending the weight of the place, and conſidering his yong years, and want of experience to manage ſo great a charge, gave no ear unto it; but excuſed it not for form, but really and ingenuouſly out of the apprehenſion of his then unfitneſs for it. This Gentleman not thus ſatisfied, without the Duke, applied himſelf to the late King, and moved his Majeſty therein, and offered Reaſons for it, That the Duke was the fitteſt man at that D time, and as the State of the Navy then ſtood, for that place; for, he ſaid, it was then a time of peace. That the beſt ſervice that could be done for the preſent, was to repair the Navy and Ships Royal, which then were much in decay, and to retrench the Kings charge, and to employ it effectually; and that before there was like to be perſonal uſe of ſervice, otherwiſe, the Duke being yong and active, might gain experience, and make himſelf as fit as any other; and that in the mean time, none was ſo fit as himſelf, having the opportunity of his Majeſties Favor and Means E to his Perſon, to procure a conſtant aſſignment and payment of moneys for the Navy; the want whereof, was the greateſt cauſe of the former defects.

Theſe Reaſons perſwaded his late Majeſty, and upon his Majeſties own motion, perſwaded the Duke to take the charge upon him: And thereupon the Earl voluntarily, freely, and willingly, and upon his own earneſt and often ſuit, ſurrendred the place without any Preſident, Contract, or Promiſe whatſoever; which might render the Duke in the leaſt F degree ſubject to the danger of the Law (which was not then ſo much as once thought upon) and upon that Surrender, the Grant was made to the Duke. But it is true, That his Majeſty out of his Royal bounty, for recompence of the long and faithful ſervice of the ſaid Earl, and for an honorable

honorable memory of his deserts to him, and the Crown of *England*, did grant him a Pension of One thousand pounds *per annum* for his life; which in all Ages hath been the Royal way of Princes, wherewith to reward antient and well-deserving Servants in their elder years; when without their own faults they are become less serviceable to the State: And the Duke also voluntarily and freely, and as an argument of his noble respect towards so honorable a Predecessor, whom to his death he called Father (whose Estate as he then understood, with his late Majesties privity and approbation, did send him Three thousand pounds in money; which he hopeth no person of worth and honor will esteem to be an act worthy of blame in him. And when the Duke had thus obtained this place of great trust, he was so careful of his duty, that he would not relie upon his judgment or ability, but of himself humbly besought his then Majesty to settle a Commission of fit and able persons for the Affairs of the Navy; by whose Council and assistance, he might manage that weighty business with the best advantage for his Majesties service; which Commission was granted, and yet continueth, and without the advice of those Commissioners, he hath never done any thing of moment; and by their advice and industry he hath thus husbanded the Kings money, and furthered the service, that where before the ordinary charge of the Navy was Fifty four thousand pounds *per annum*, and yet the Ships were very much decayed, and their Provisions neglected, the charge was returned to Thirty thousand pounds *per annum*, and with that charge, the Ships all repaired and made serviceable, and two new Ships builded yearly; and for the two last years, when there were no new Ships built, the ordinary charge was reduced to Twenty one thousand six hundred pounds *per annum*. And now he dare boldly affirm, that his Majesties Navy is in better state by much, then ever it was in any precedent time whatsoever.

2 *Caroli.*

reduced

For his buying the Wardenship of the Cinque Ports, he maketh this plain, ingenuous and true Answer.

That in *December*, in the Two and twentieth year of his late Majesties Raign, he obtained the Office of Lord Warden of the Cinque Ports, and Constable of the Castle of *Dover*, (being one entire Office) upon the Surrender of the Lord *Zouch*, then Lord Warden.

The Charge touching his buying the Wardenship of the Cinque Ports.

The manner of obtaining whereof, was thus, The Lord *Zouch* being grown in years, and with his almost continual lameness being grown less fit for that place, he discovered a willingness to leave it, and made several offers thereof to the Duke of *Richmond*, and *Richard* Earl of *Dorset*, deceased; but he was not willing to part with it without recompence. Notice whereof coming to the Duke, by an offer made from the Lord *Zouch*, he finding by experience how much, and how many ways both the Kings service might, and many times did suffer; and how many inconveniences did arise to the Kings Subjects in their Goods, Ships, and Lives, by the intermixture of the Jurisdictions of the Admiralty and Wardenship of the Cinque Ports, by the emulation, disaffection, and contention of their Officers, as clearly appear by these particulars, amongst many others which may be instanced.

1. Where the Admiral-Jurisdiction extends generally to all the Narrow Seas; the Warden of the Cinque Ports hath and exerciseth Admiral-Jurisdiction on all the Sea Coasts, from Show-Beacon in *Essex*,

to

An. 1626.

to the Red Noor in *Suſſex*; and within thoſe Limits there have been continual differences between the Lord Admiral, and the Lord Warden, whether the Lord Wardens Juriſdiction extends into the main Sea, or onely as far as the low Water Mark, and ſo much further into the Sea, as a man on Horsback can reach with a Launce, which occaſioneth Queſtions between thoſe cheif Officers themſelves.

2. There are many and continual differences in executing of Warrants againſt offenders; the Officers of the one, refuſing to obey or aſſiſt the Authority of the other; whereby the offenders protected or countenanced by either, eaſily eſcapeth. A

3. Merchants and Owners of Goods queſtioned in the Admiralty, are often enforced to ſue in both Courts, and often enforced for their peace to compound with both Officers.

4. The Kings ſervice is much hindred for the moſt uſual and ordinary Rendevouz of the Kings Ships, being at the *Downs*, and that being within the Juriſdiction of the Lord Warden, the Lord Admiral or Captains of the Kings Ships, have no Power or Warrant to preſs men from the ſhore, if the Kings Ships be in diſtreſs. B

5. When the Kings Ships, or others, be in danger on the *Goodwins*, and other places within the view of the Portſmen, they have refuſed to help with their Boats, leſt the Kings Ships ſhould command them on board, whereby many Ships have periſhed, and much Goods have been loſt.

6. When Warrants come to preſs a Ship at Road for the Kings ſervice, the Officers take occaſion to diſobey the Warrants, and prejudice the Kings ſervice. For if the Warrant come from the Lord Warden, they will pretend the Ship to be out of their Juriſdiction; if the Warrant come from the Lord Admiral, they will pretend it to be within the Juriſdiction of the Cinque Ports: And ſo whilſt the Officers diſpute, the opportunity of the ſervice is loſt. C

7. When the Kings Ships lie near the Ports, and the men come on ſhore, the Officers refuſe to aſſiſt the Captains to reduce them to the Ships without the Lord Wardens Warrant. D

8. If the Kings Ships, on the ſudden, have any need of Pilots for the Sands Coaſts of *Flanders*, or the like, wherein the Portſmen are beſt experienced, they will not ſerve without the Lord Wardens, or his Lieutenants Warrant, who perhaps are not near the place.

9. When for great occaſions for the ſervice of the State, the Lord Admiral and Lord Warden muſt both joyn their Authority; if the Officers for want of true underſtanding of their ſeveral Limits and Juriſdictions, miſtake their Warrants, the ſervice which many times can endure no delay, is loſt, or not ſo effectually performed. E

For theſe and many other Reaſons of the like kinde, the Duke not being led, either with ambition or hope of profit as hath been objected (for it could be no encreaſe of Honor to him, having been honored before with a greater place; nor of profit, for it hath not yielded him in any matter any profit at all, nor is like to yield him above Three hundred pounds *per annum* at any time) but out of his deſire to make himſelf the more able to do the King and Kingdom ſervice, and prevent all differences and difficulties which heretofore had, or hereafter might hinder the ſame; He did entertain that motion, and doth confeſs, that not knowing, or ſo much as thinking of the ſaid Act of Parliament before mentioned, he did agree to give the ſaid Lord One thouſand pounds in money, and Five F

hundred

hundred pounds *per annum*, in reſpect of his Surrender, he not being willing to leave his place without ſuch conſideration, nor the Duke willing to have it without his full ſatisfaction; and the occaſion why the Duke of *Buckingham* gave that conſideration to the Lord *Zouch*, was, becauſe the Duke of *Richmond* in his life time had firſt agreed to give the ſame conſideration for it; and if he had lived, he had had that place upon the ſame terms: And when the ſaid Duke of *Richmond* was dead, his late Majeſty directed the Duke of *Buckingham* to go thorow for that place, and for the Reaſons before-mentioned, to put both theſe Offices together, and to give the ſame conſideration to the ſaid Lord, which the Duke of *Richmond* ſhould have given, and his late Majeſty ſaid he would repay the money. And how far this act of his, in acquiring this Office, accompanied with theſe Circumſtances, may be within the danger of the Law, the King being privy to all the paſſages of it, and encouraging and directing it, he humbly ſubmitteth to your judgement; and he humbly leaves it to your Lordſhips judgments, in what third way an antient ſervant to the Crown, by age or infirmity, diſabled to perform his ſervice, can in an honorable courſe relinquiſh his place; for if the King himſelf give the Reward, it may be ſaid it is a charge to the Crown; if the ſucceeding Officer give the Recompence, it may thus be objected to be within the danger of the Law: And howſoever it be, yet he hopeth it ſhall not be held in him a crime, when his intentions were juſt and honorable, and for the furtherance of the Kings ſervice, neither is it without preſident, that in former times of great employment, both theſe Offices were put into one hand by ſeveral Grants. 2 *Caroli.*

To this Article, whereby the not guarding of the Narrow Seas in theſe laſt two years by the Duke, according to the truſt and duty of an Admiral, is laid to his charge; whereof the conſequence, ſuppoſed to have been meerly through his default, are the ignominious infeſting of the Coaſts with Pirats and Enemies, the endangering of the Dominion of theſe Seas, the extream loſs of the Merchants, and the decay of the Trade and Strength of the Kingdom: The charge touching his not guarding the Seas.

The Duke maketh this Anſwer, That he doubteth not but he ſhall make it appear to the good ſatisfaction of your Lordſhips, that albeit there hath hapned much loſs to the Kings Subjects within the ſaid time of two years by Pirats and Enemies, yet that hath not hapned by the neglect of the Duke, or want of care and diligence in his place: For whereas in former times the ordinary Guard allowed for the Narrow Seas hath been but four Ships, the Duke hath ſince Hoſtility begun and before procured their number to be much increaſed; for ſince *June*, 1624. there hath never been fewer then Five of the Kings Ships, and ordinarily Six, beſides Pinnaces, Merchants Ships, and Drumblers; and ſince open hoſtility, Eight of the Kings Ships, beſides Merchants of greater number and Pinnaces and Drumblers; and all theſe well furniſhed and manned, ſufficiently inſtructed and authoriſed for the ſervice. He ſaith, he hath from time to time, upon all occaſions acquainted his Majeſty, and the Council-Bord therewith, and craved their advice, and uſed the aſſiſtance of the Commiſſioners for the Navy in this ſervice; and for the Dunkirkers who have of late more infeſted theſe Coaſts then in former years, he ſaith, There was that Providence uſed for the repreſſing of them, that his Majeſties Ships, and the Hollanders joyning together, the Port of *Dunkirk* was blocked up, and ſo ſhould have continued, had not a ſudden ſtorm

An. 1626.

diſperſed them, which being the immediate hand of God, could not by any pollicy of man be prevented; at which time, they took the opportunity to Rove abroad, but it hath been ſo far from endangering the Dominion of the Narrow Seas thereby, as is ſuggeſted, That his Majeſties Ships or Men of War, were never yet maſtered, nor encountred by them, nor will they endure the ſight of any of our Ships; and when the Duke himſelf was in perſon, the Dunkirkers ran into their Harbors. But here is a neceſſity, that according to the fortune of Wars, interchangeable loſſes will happen; yet hitherto notwithſtanding their more then wonted inſolency, the loſs of the Enemies part hath been as much, if not more then what hath hapned to us; and that loſs that hath faln, hath cheifly come by this means, that the Dunkirkers Ships being of late years exerciſed in continual hoſtility with the Hollanders, are built of a Mold as fit for flight as for fight; and ſo they pilfer upon our Coaſts, and creep to the ſhore, and eſcape from the Kings Ships: But to prevent that inconvenience for the time to come, there is already order taken for the building ſome Ships, which ſhall be of the like Mold, light and quick of ſail, to meet with the adverſe party in their own way. And for the Pirates of *Sallie*, and thoſe parts, he ſaith, it is but very lately that they found the way into our Coaſts, where, by ſurpriſe, they might eaſily do hurt; but there hath been that proviſion taken by his Majeſty, not without the care of the Duke, both by force and treaty to repreſs them for the time to come, as will give good ſatisfaction. All which he is aſſured will clearly appear upon proof.

The Charge touching the unjuſt ſtay of the Ship of *Newhaven*, called the St. *Peter*, after Sentence.

To this Article the Duke maketh this Anſwer, That about *September* laſt, this Ship called the *St. Peter* (amongſt divers others) was ſeiſed on as lawful prize by his Majeſties Ships, and brought into *Plimouth*, as Ships laden by the Subjects of the King of *Spain*; in the end of *October*, or beginning of *November*, they were all brought to the *Tower* of *London*, all of them were there unladen; but the *Peter* and the bulk of her Goods was not ſtirred, becauſe they were challenged by the Subjects of the French King; and there did not then appear ſo much proof againſt her, and the goods in her, as againſt the reſt. About the middle of *November*, Allegations were generally put in againſt them all in the Admiralty Court, to juſtifie the ſeiſure, and all the Pretendants were called in upon theſe proceedings, divers of the Ships and Goods were condemned, and divers were releaſed in a legal courſe; and others of them were in ſuſpence till full proof made. The Eight and twentieth day of *December*, complaint was made on the behalf of ſome Frenchmen at the Council-Board concerning this Ship and others, when the King by Advice of his Council (his Majeſty being preſent in perſon) did order that the Ship of *Newhaven* called the *Peter*, and the Goods in her, and all ſuch other Goods of the other prizes, as ſhould be found to appertain to his Majeſties own Subjects, or to the Subjects of his good Brother the French King, or the States of the United Provinces, or any other Princes or States in Friendſhip or Alliance with his Majeſty, ſhould be delivered: But this was not abſolute, as is ſuppoſed by the Charge, but was thus qualified, ſo as they were not fraudulently coloured, and it was referred to a judicial proceeding.

According to this juſt and honorable Direction, the Kings Advocate proceeded upon the general Allegations formerly put in the 26 of *January*, after there was a Sentence in the Admiralty, that the *Peter* ſhould be diſcharged,

2 Caroli.

charged, and the Kings Advocate not having then any knowledge of further proof, consented to it. But this was not a Definitive Sentence, but a Sentence Interlocutory, as it is termed in that Court. Within few days after, this Ship prepared her self to be gone, and was falling down the River, then came new intelligence to the Lord Admiral, by the Lieutenant of the *Tower*, That all those Ships were laden by the Subjects of the King of *Spain*; that the *Amiranta∫co* wafted them beyond the North Cape; that they were but coloured by Frenchmen; that there were Witne∫∫es ready to make good this new Allegation; neither was it improbable to be so, for part of the Goods in that Ship have been confe∫∫ed to be lawful prize. This Ship being now falling down the River, and being a Ship of the mo∫t value of all the re∫t, the Duke acquainted the King therewith, and by his commandment made ∫tay of the Ship, le∫t otherwi∫e it would be too late, which the Duke in the duty of his place of Admiral, as he believeth, ought to have done without ∫uch command: And if he had not done so, he might worthily have been blamed for his negligence, and then in∫tantly he ∫ent for the Judge of the Admiralty to be informed from him how far the Sentence already pa∫t did binde, and whether it might ∫tand with Ju∫tice to make ∫tay of her again, ∫he being once di∫charged in ∫uch manner as before: The Judge an∫wered, As he was adviſed, that it might ju∫tly be done upon better proofs appearing; yet di∫creetly in a matter of that moment, he took time to give a re∫olute an∫wer, That in the interim he might review the Acts which had pa∫∫ed: The next day, or very ∫hortly after, the Judge came again to the Duke, and upon Advice an∫wered re∫olutely, That the Ship and the Goods might ju∫tly be ∫tayed, if the proofs fell out to be an∫werable to the Information given; whereof he ∫aid he could not judge, till he had ∫een the Depo∫itions. And according to this re∫olution of the Judge, did five other Learned Advocates, be∫ides the Kings Advocate, concur in opinion, being intreated by the Duke to advi∫e thereof; so cautious was the Duke, not to do any unju∫t act. Then he acquainted the King again therewith, and his Maje∫ty commanded him to re∫eize this Ship, and to proceed judicially to the proofs; and the Duke often required the Kings Advocate to ha∫ten the examination of the Witne∫∫es, and many Witne∫∫es were produced and examined, in pur∫uance of this new Information. But the French Merchants impatient of any delay, complained again to the Council-Board, where it was ordered not barely, That the Ship and Goods ∫hould be pre∫ently delivered, but ∫hould be delivered upon ∫ecurity; and upon ∫ecurity ∫he had been then delivered, if it had been given, and ∫ecurity was once offered, but afterwards retracted: And when all the Witne∫∫es produced, were examined and publi∫hed, the Kings Advocate having duly conſidered of them, forthwith acquainted the Duke that the proofs came too ∫hort for the *Peter*; and thereupon the Duke in∫tantly gave order for her final di∫charge, and ∫he was di∫charged by order of Court accordingly.

By which true Narration of the Fact, and all the proceedings, the Duke hopeth it will ∫ufficiently appear, That he hath not done any thing herein, on his part, which was not ju∫tifiable, and grounded upon deliberate and well-adviſed Councils and Warrant. But for the doing of this to his own lucre and advantage, he utterly denieth it; for he ∫aith, that there was nothing removed out of the Ship, but ∫ome moneys, and ∫ome ∫mall boxes of ∫tones of very mean value, and other ∫mall Portable things lying above the Deck, ea∫ily to be imbezilled: And whatſoever

An. 1626.

was taken out of the Ship, was first publickly shewed to his Majesty himself, and then committed to the custody of *Gabriel Marsh*, in the Article mentioned, by Inventory, then and still Marshal of the Admiralty, by him to be safely kept; whereof the money was employed for the Kings immediate service, and by his direction, and the rest was left in safe keeping, and are all since delivered and reimbursed to the owners, or pretended owners thereof, and not a penny profit thereof, or thereby, hath come to the Duke himself, as shall be made good by proof. And whereas the suggestion hath been made, that this accident was the cause of the Imbargo of the Ships and Goods of our Merchants trading in *France*, he saith, that is utterly mistaken, for divers of their Goods were imbarged before this hapned; and if in truth, the French had therein received that as either they pretend or is pretended for them; yet the imbarguing of the Goods of the English upon that occasion, was utterly illegal and unwarrantable: For by the mutual Articles between the two Kings, they ought not to have righted themselves before Legal Complaint, and a denial on our part, and then by way of Reprisal, and not by Imbargo. So that the Duke doth humbly leave it to the consideration of your Lordships, whether the harm which hath hapned to our Merchants, hath not been more occasioned by the unseasonable justifying of the actions of the French, which animated them to increase their injuries, then by any act either of the Duke, or any other.

The Charge touching his Extortion of Ten thousand pounds from the *East-India* Company, with the abuse of the Parliament.

To this Article, which consisteth of two main Points, the one of the Extorting Ten thousand pounds unjustly, and without right from the *East-India* Company; the other, admitting the Duke had a right as Lord Admiral, the compassing it by undue ways, and abusing the Parliament, to work his private ends, the Duke giveth this Answer, wherein a plain Narration of the Fact, he hopeth, will clear the Matters objected; and in this he shall lay down no more then will fully appear upon Proof.

About the end of *Michaelmas* Term, 1623. the Duke had information given him by a principal Member of their own Company, that the Company had made a great advantage to themselves in the Seas of *East-India*, and other parts of *Asia* and *Africa*, by rich prizes gotten there forcibly from the *Portugals*, and others; and a large part thereof was due to his Majesty, and to the Duke as Admiral by the Law; for which, neither of them had any satisfaction. Whereupon directions were given for a legal prosecution in the Court of Admiralty, and to proceed in such Matter as should be held fittest by the Advice of Council.

In the Moneths of *December* and *January*, in that year divers Witnesses were examined in the Admiralty according to the ordinary course of that Court, to instruct and furnish Informative Processes in this behalf. After the Tenth of *March*, 1623. an Action was commenced in the Court in the joynt names of his Majesty, and the Admiral, grounded upon the former proceeding; this was prosecuted by the Kings Advocate, and the demand at first was Fifteen thousand pounds. The Action being thus framed in both their names, by Advice of Council, because it was doubtful in the judgment of the Council, Whether it did more properly belong to the one, or to the other, or to both; and the form of entring that Action being most usual in that Court, on the Eight and twentieth of *April*, 1624. the Judicial Agreement and Sentence passed thereupon in the Admiralty Court, wherein the Companies consent, and their own offer, plainly appeareth; so that for the second part of the right, it were

2 Caroli.

were very hard to conclude that the Duke had no right, contrary to the Companies own conſent, and the ſentence of the Court, grounded on their Agreement, unleſs it ſhall fully appear, That the Company was by ſtrong hand inforced thereto, and ſo the money extorted.

Therefore to clear that ſcruple, That as the matter of the Suit was juſt, or at leaſt ſo probable as the Company willingly deſired it for their peace, ſo the manner was as juſt and honorable; your Lordſhips are humbly entreated to obſerve theſe few true Circumſtances. The Suit in the Admiralty begun divers moneths before the firſt mention of it in Parliament; and ſome moneths before the beginning of it in that Parliament, it was proſecuted in a legal courſe, and upon ſuch grounds as will yet be maintained to be juſt. The Compoſition made by the Company, was not moved by the Duke, but his late Majeſty on the behalf of himſelf, and of the Duke, treated with divers Members of the Company about it, and the Duke himſelf treated not at all with them. The Company without any compulſion at all agreed to the Compoſition, not that they were willing to give ſo much, if they might have eſcaped for nothing, but that they were willing to give ſo much, rather then to hazard the ſucceſs of the Suit: And upon this Compoſition concluded by his Majeſty, the Company deſired and obtained a Pardon for all that was objected againſt them. The Motion in Parliament about the ſtay of the Companies Ships then ready prepared and furniſhed, was not out of any reſpect to draw them the rather to give the Compoſition, but really out of an apprehenſion, that there might be need of their ſtrength for the defence of the Realm at home; and if ſo, then all private reſpects muſt give way to the Publick Intereſt. Theſe Ships upon the importunity of the Merchants, and Reaſons given by them, were ſuffered nevertheleſs to fall down to *Tilbury*, by his late Majeſties direction to ſpeed their Voyage the better, whilſt they might be accommodated for this Voyage, without prejudice to the publick ſafety, they were diſcharged when there was an Accommodation propounded and allowed, which was, That they ſhould forthwith prepare other Ships for the home ſervice, whilſt thoſe went over with their Voyage, which they accordingly did. That the Motion made in the Commons Houſe, was without the Dukes knowledge or privity. That when there was a rumor, that the Duke had drawn on the Compoſition by ſtaying of the Ships which were then gone, the Duke was ſo much offended thereat, that he would have had the former Communication to have broken off, and have proceeded in a legal courſe, and he ſent to the Company to that purpoſe; but the Company gave him ſatisfaction, That they had raiſed no ſuch rumor, nor would, nor could avow any ſuch thing, and entreated him to reſt ſatisfied with their publick acts to the contrary. That after this, their Ships being gone, themſelves careful of their future ſecurity, ſolicited the diſpatch of the Compoſition, conſulted with Councel upon the Inſtruments which paſſed about it, and were at the charge thereof, and the money was paid long after the ſentence, and the ſentence given after the Ships were gone, and no ſecurity given at all for the money, but the ſentence; and when this money was paid to the Duke, the whole ſum (but Two hundred pounds thereof onely) was borrowed by the King, and employed by his own Officers, for the ſervice of the Navy. If theſe things do upon proof appear to your Lordſhips, as is aſſured they will, he humbly ſubmitteth it to your judgments, how far verbal Affirmations or Informations extrajudicial, ſhall move your judgments, when Judicial Acts, and thoſe things which were acted and executed, prove the contrary.

To

An. 1626.

The Charge touching his putting the Ships into the hands of the French.

To this Article, which is ſo mixt with Actions of great Princes, as that he dareth not in his duty publiſh every paſſage thereof, he cannot for the preſent make ſo particular an Anſwer as he may, hath, and will do, to the reſt of his Charge. But he giveth this general Anſwer, the truth whereof he humbly prayeth may rather appear to your Lordſhips by the Proofs, then by any Diſcourſe of his; which in Reaſon of State, will happily be conceived fit to be more privately handled.

Since the Dukes Anſwer delivered into the Houſe, he hath himſelf openly declared to their Lordſhips, That for the better clearing of his Honor and Fidelity to the State, in that part of his Charge which is objected againſt him by this Seventh Article, he hath been an earneſt and humble Suiter to his Majeſty, to give him leave in his Proofs, to unfold the whole Truth and Secret of that great Action, and hath obtained his Majeſties gracious leave therein; and accordingly doth intend to make ſuch open and clear Proof thereof, that he nothing doubteth but the ſame when it ſhall appear, will not onely clear him from blame, but be a Teſtimony of his care and faithfulneſs in ſerving the State.

That theſe Ships were lent to the French King at firſt, without the Dukes Privitie: That when he knew it, he did that which belonged to an Admiral of *England*, and a true Engliſh man: And he doth deny, that by menace, or compulſion, or any other indirect, or undue practice, or means, he by himſelf, or by any others, did deliver thoſe Ships, or any of them, into the hands of the French, as is objected againſt him: That the Error which did happen, by what direction ſoever it were, was not in the intention any ways injurious, or diſhonorable, or dangerous to this State, or prejudicial to any private man, intereſted in any of thoſe Ships; nor could have given any ſuch offence at all, if thoſe promiſes had been obſerved by others, which were profeſſed and really performed by his Majeſty and his Subjects on their parts.

The Charge touching his practice of the employment of them againſt *Rochel*.

To this Article wherewith he is taxed to have practiſed for the employment of the Ships againſt *Rochel*, he anſwereth.

That he was ſo far from practiſing or conſenting that the ſaid Ships ſhould ſo be employed, that he ſhall make it clearly to appear, that when it was diſcovered, that they would be employed againſt thoſe of the Religion, the Proteſtation of the French King being otherwiſe, and their pretence being, That there was a Peace concluded with thoſe of the Religion, and that the French King would uſe thoſe Ships againſt *Genoa*, which had been an action of no ill conſequence to the Affairs of Chriſtendom: The Duke did by all fit and honorable means, endeavor to divert that courſe of their employment againſt *Rochel*. And he doth truly and boldly affirm, That his endeavors under the Royal care of his moſt Excellent Majeſty, hath been a great part of the means to preſerve the Town of *Rochel*, as the Proofs, when they ſhall be produced, will make appear. And when his Majeſty did finde that beyond his intention, and contrary to the faithful Promiſes of the French, they were ſo miſemployed, he found himſelf bound in honor to intercede with the moſt Chriſtian King, his good Brother, for the Peace of that Town, and of the Religion, leſt his Majeſties Honor might otherwiſe ſuffer: Which interceſſion his Majeſty did ſo ſeduloully, and ſo ſucceſsfully purſue, that the Town and the Religion there, do and will acknowledge the fruits thereof.

And whereas it is further objected againſt him, That when in ſo unfaithful a manner he had delivered thoſe Ships into the power of a foreign State, to the danger of the Religion, and ſcandal and diſhonor of our Nation, which he utterly denieth to be ſo: That to maſk his ill intentions, in cunning and cautelous manner, he abuſed the Parliament at *Oxford*, in affirming before the Committees of both Houſes, That the ſaid Ships

were

2 Caroli.

were not, nor ſhould be ſo uſed or employed; he ſaith, (under the favor of thoſe who ſo underſtood his words,) That he did not then uſe thoſe words which are expreſſed in the Charge to have been ſpoken by him, but there being then a jealouſie of the miſ-employing of thoſe Ships, the Duke having no knowledge thereof, and knowing well what the promiſes of the French King were, but was not then ſeaſonable to be publiſhed; he hoping they would not have varied from what was promiſed, did ſay, That the event would ſhew it was no undertaking for them, but a Declaration of that in general terms which ſhould really have been performed, and which his Majeſty had juſt cauſe to expect from them.

The Charge touching the compelling the Lord *R.* to buy Honor.

That the Duke did compel the Lord *R.* to buy his Title of Honor, he utterly denieth; and he is very confident, that the Lord *R.* himſelf will not affirm it, or any thing tending that way: Neither can he, nor any man elſe truly ſay ſo, but the ſaid Duke is able to prove, that the Lord *R.* was before willing to have given a much greater ſum, but could not then obtain it; and he did now obtain it by ſolicitation of his own Agents.

The Charge touching his ſelling of places of Judicature.

For the ſelling of places of Judicature by the Duke, which are ſpecially inſtanced in the Charge, he anſwereth, That he received not, or had a penny of either of thoſe ſums to his own uſe; but the truth is, the Lord *M.* was made Lord Treaſurer by his late Majeſty without contracting for any thing for it, and after that he had the Office conferred upon him, his late Majeſty moved him to lend him Twenty thouſand pounds upon promiſe of repayment at the end of a year; the Lord *M.* yielded to it, ſo as he might have the Dukes word that it ſhould be repayed unto him accordingly: The Duke gave his word for it; the Lord *M.* relied upon it, and delivered the ſaid ſum to the hands of Mr. *Porter* then attending upon the Duke, by the late Kings appointment, to be diſpoſed as his Majeſty ſhould direct. And according to the Kings direction, that very money was fully paid out to others, and the Duke neither had, nor diſpoſed of a penny thereof to his own uſe, as is ſuggeſted againſt him.

And afterwards when the Lord *M.* left that place, and his money was not repayed unto him, he urged the Duke upon his promiſe; whereupon the Duke being jealous of his Honor, and to keep his word, not having money to pay him, he aſſured Lands of his own to the Lord *M.* for his ſecurity. But when the Duke was in *Spain*, the Lord *M.* obtained a promiſe from his late Majeſty of ſome Lands in Fee-farm, to ſuch a value, as he accepted of the ſame in ſatisfaction of the ſaid money, which were afterwards paſſed unto him; and at the Dukes return, the Lord *M.* delivered back unto him the ſecurity of the Dukes Lands which had been given unto him as aforeſaid.

And for the Six thouſand pounds ſuppoſed to have been received by the Duke, for procuring to the Earl of *M.* the Maſterſhip of the Wards, he utterly denieth it; but afterwards he heard that the Earl of *M.* did diſburſe Six thouſand pounds about that time; and his late Majeſty beſtowed the ſame upon Sir *Henry Mildmay*, his Servant, without the Dukes privity, and he had it and enjoyed it, and no penny thereof came to the ſaid Duke, or to his uſe.

To

An. 1626.

The Charge touching his procuring of Honors for his poor Kinred.

To this Article the Duke answereth, That it is true that his late Majesty out of his Royal Favor unto him, having honored the Duke himself with many Titles and Dignities of his bounty; and as a greater argument of his Princely Grace, did also think fit to honor those who were in equal degree of Blood with him, and also to ennoble their Mother who was the Stock that bare them:

A The Title of the Countess of *Buckingham* bestowed upon the Mother, was not without President; and she hath nothing from the Crown but a Title of Honor which dieth with her.

The Titles bestowed on the Viscount *P.* the Dukes Elder Brother, were conferred on him, who was a Servant of the Bed-chamber to his now Majesty, then Prince, by his Highness means; the Earl of *A.* was of his late Majesties Bed-chamber, and the Honors and Lands conferred on him, was done when the Duke was in *Spain*.

B The Earl of *D.* hath the Honors mentioned in the Charge, but he hath not a foot of Land which came from the Crown, or the Kings Grant.

But if it were true, That the Duke had procured Honors for those who are so near and so dear unto him; the Law of Nature, and the Kings Royal Favor, he hopeth will plead for his excuse; and he rather believeth he were worthy to be condemned in the opinion of all generous minds, if being in such Favor with his Master, he had minded onely his own advancement, and had neglected those who were

C nearest unto him.

The Charge touching his exhausting, intercepting and mis-employing the Kings Revenue.

To this Article his Answer is, That he doth humbly, and with all thankfulness acknowledge the bountiful hand of his late Majesty unto him; for which he oweth so much to the memory of that deceased King, his most Excellent Majesty that now is, and their Posterity, that he shall willingly render back whatsoever he hath received, together with his life, to do them service. But for the immense sums and values which are suggested to have been given unto him, he saith, There are very

D great mistakings in the calculations which are in the Schedules in this Article mentioned; unto which the Duke will apply particular Answers in another Schedule, which shall express the truth of every particular as near as he can collect the same, to which he referreth himself; whereby it shall appear, what a great disproportion there is between Conjectures and Certainties. And those gifts which he hath received, though he confesseth, that they exceed his Merit, yet they exceed not Presidents of former times. But whatsoever it is he hath, or hath had, he utterly

E denieth that he obtained the same, or any part thereof, by any undue sollicitation, or practice, or did unduly obtain any Release of any sums of money he received; but he having at several times, and upon several occasions disposed of divers sums of the moneys of his late Majesty, and of his Majesty that now is, by their private directions, he hath Releases thereof for his discharge, which was honorable and gratious in their Majesties, who granted the same for their Servants indemnity; and he

F hopeth was not unfit for him to accept of, lest in future times, he or his might be charged therewith, when he could not be able to give so clear an account thereof, as he hopeth he shall now be well able to do.

To

2 *Caroli.*

The Charge touching his transcendent presumption in giving Physick to the King.

To this Charge, which is set forth in such an expression of words as might argue an extraordinary guiltiness in the Duke, who by such infinite bonds of duty and thankfulness was obliged to be tender of the life and health of his most dread and dear Soveraign and Master, he maketh this clear and true Answer: That he did neither apply nor procure the Plaister or Posset-drink, in the Charge termed to be a Potion, unto his late Majesty, nor was present when the same was first taken or applied: But the truth is this; That his Majesty being sick of an Ague, took notice of the Dukes recovery of an Ague not long before, and asked him how he had recovered, and what he found did him most good? The Duke gave him a particular answer thereto, and that one who was the Earl of *Warwicks* Physician had ministred a Plaister and Posset-drink to him; and the chief thing that did him good was a Vomit, which he wished the King had taken in the beginning of his sickness. The King was very desirous to have that Plaister and Posset-drink sent for, but the Duke delayed it; whereupon the King impatiently asked whether it were sent for, or not? and finding by the Dukes speeches he had not sent for it, his late Majesty sent for *John Baker* the Dukes servant, and with his own mouth commanded him to go for it: Whereupon the Duke besought his Majesty not to make use of it but by the advice of his own Physicians, nor until it should be tried of *James Palmer* of his Bed-chamber, who was then sick of an Ague, and upon two Children in the Town. Which the King said he would do: And in this resolution the Duke left his Majesty, and went to *London*; and in the mean time in his absence the Plaister and Posset-drink was brought and applied by his late Majesties own command. At the Dukes return, his Majesty was in taking of the Posset-drink, and the King then commanded the Duke to give it him, which he did in the presence of some of the Kings Physicians, they then no ways seeming to dislike it, the same Drink being first tasted of by some of them, and divers others in the Kings Bed-chamber. And he thinketh this was the second time the King took it. Afterwards when the King grew somewhat worse then before, the Duke heard a rumor as if his Physick had done the King hurt, and that the Duke had ministred that Physick to him without advice. The Duke acquainted the King therewith, to whom the King with much discontent answered thus, *They are worse then Devils that say it.* So far from the truth it was, which now notwithstanding (as it seemeth) is taken up again by some, and with much confidence affirmed. And here the Duke humbly prayeth all your Lordships not only to consider the truth of this Answer, but also to commiserate the sad thought which this Article hath revived in him.

This being the plain, clear and evident truth of all those things which are contained and particularly expressed in his Charge, (the rest being in general requiring no Answer) He being well assured that he hath herein affirmed nothing which he shall not make good by proof in such way as your Lordships shall direct;

He humbly referreth it to the judgment of your Lordships, how full of danger and prejudice it is to give too ready an ear and too easie a belief unto Reports or Testimony without Oath, which are not of weight enough to condemn any. He humbly acknowledgeth how easie it was for him in his younger years and unexperienced, to fall into thousands of errors in

An. 1626. those ten years wherein he had the honor to serve so great and open-hearted a Soveraign and Master: But the fear of Almighty God, his sincerity in the true Religion established in the Church of *England*, (though accompanied with many weaknesses and imperfections, which he is not ashamed humbly and heartily to confess) his awfulness not willing to offend so good and gracious a Master, and his love and duty to his Country have restrained him and preserved him (he hopeth) from running into heinous and high misdemeanors and crimes. But whatsoever upon examination and mature deliberation they shall appear to be, left in any thing unwittingly within the compass of so many years he shall have offended, He humbly prayeth your Lordships not only in those, but as to all the said misdemeanors, misprisions, offences and crimes wherewith he standeth charged before your Lordships, to allow unto him the benefit of the free and general Pardon granted by his late Majesty in Parliament in the 21. year of his Reign, out of which he is not excepted; and of the gracious Pardon of his now Majesty granted to the said Duke, and vouchsafed in like manner to all his Subjects at the time of his most happy Inauguration and Coronation: Which said Pardon under the Great Seal of *England* granted the said Duke, beareth date the 10. day of *February* now last past, and here is shewn forth unto your Lordships, on which he doth most humbly rely: And yet he hopeth your Lordships in your Justice and Honor, upon which with confidence he puts himself, will acquit him of and from those misdemeanors, offences, misprisions and crimes wherewith he hath been charged; And he hopeth, and will daily pray, that for the future he shall by Gods grace so watch over his actions both publick and private, that he shall not give any just offence to any.

The Duke having put in this Answer, earnestly moved the Lords to send to the Commons to expedite their Reply; and the Commons did as earnestly desire a Copy of his Answer.

The next day his Majesty wrote this Letter to the Speaker.

The Kings Letter to the *Speaker* touching speedy supply to his Majesty.

Trusty and Welbeloved, We greet you well. Our House of Commons cannot forget how often and how earnestly we have called upon them for the speeding of that Aid which they intended us for our great and weighty affairs, concerning the safety and honor of us and our Kingdoms: And now the time being so far spent, that unless it be presently concluded, it can neither bring us Money nor Credit by the time which themselves have prefixed, which is the last of this Moneth, and being further deferred would be of little use, we being daily advertised from all parts of the great preparations of the Enemy ready to assail us; We hold it necessary by these our Letters to give them our last and final admonition, and to let them know that we shall account all further delays and excuses to be expres denials. And therefore we will and require you to signifie unto them, that we do expect that they forthwith bring in their Bill of Subsidy to be passed without delay or Condition, so as it may fully pass the House by the end of the next week at the furthest: Which if they do not, it will force us to take other resolutions. But let them know, if they finish this according to our desire, that we are resolved to let them sit together for the dispatch of their other affairs so long as the season will permit, and after their recess to bring them together again the next Winter. And if by their denial or delay, anything of ill consequence shall fall out either at home or abroad, We call God and man to witness that We have done our part to prevent it, by calling our People together to advise with us, by opening the weight of our occasions

unto

unto them, and by requiring their timely help and assistance in these Actions wherein we stand engaged by their own Councels. And we will and command you that this Letter be publickly read in the House.

2 Caroli.

About this time there happened, at three a clock in the afternoon, a terrible storm of Rain and Hail in and about the City of *London*, and with it a very great Thunder and Lightening: The graves were laid open in S. *Andrews* Church-yard in *Holborn*, by the sudden fall of the Wall which brought away the Earth with it, whereby many Coffins and the Corps therein were exposed to open view, and the ruder sort would ordinarily lift up the lids of the Coffins to see the posture of the dead Corps lying therein, who had been buried of the Plague but the year before.

At the same instant of time there was a terrible Storm and strange Spectacle upon *Thames* by the turbulencie of the waters, and a Mist that arose out of the same, which appeared in a round Circle of a good bigness above the waters. The fierceness of the Storm bent it self towards *York*-House, (the then habitation of the Duke of *Buckingham*) beating against the stairs and wall thereof: And at last this round Circle (thus elevated all this while above the water) dispersed it self by degrees like the smoke issuing out of a Furnace, and ascended higher and higher till it quite vanished away, to the great admiration of the beholders. This occasioned the more discourse among the Vulgar, in that Doctor *Lamb* appeared then upon *Thames*, to whose Art of Conjuring they attributed that which had happened. The Parliament was then sitting, and this Spectacle was seen by many of the Members out of the windows of the House.

The Commons agreed upon this ensuing Petition to his Majesty, concerning Recusants.

To the Kings most Excellent Majesty.

The *Commons* Petition to the King concerning Recusants.

YOur Majesties most obedient and loyal Subjects the Commons in this present Parliament assembled, do with great comfort remember the many Testimonies which your Majesty hath given of your sincerity and zeal of the true Religion established in this Kingdom, and in particular your gracious Answer to both Houses of Parliament at Oxford, upon their Petition concerning the Causes and Remedies of the Increase of Popery; That your Majesty thought fit, and would give order to remove from all Places of Authority and Government, all such persons as are either Popish Recusants, or according to direction of former Acts of State justly to be suspected; which was then presented as a great and principal cause of that mischief. But not having received so full reliefs herein as may conduce to the peace of this Church, and safety of this Regal State, They hold it their duty more nearly to relate to your Sacred Majesty, humbly to inform you, that upon examination they find the persons undermentioned to be either Recusants, Papists, or justly suspected according to the former Acts of State, who now do, or since the first sitting of the Parliament did remain in places of Government and Authority, and Trust in your several Counties of this your Realm of England, and Dominion of Wales.

An. 1626.

The Right Honorable *Francis* Earl of *Rutland*, Lieutenant of the County of *Lincoln*, *Rutland*, *Northampton*, *Nottingham*, and a Commissioner of the Peace, and of Oyer and Terminer in the County of *York*, and Justice of Oyer from *Trent* Northwards. His Lordship is presented to be a Popish Recusant, and to have affronted all the Commissioners of the Peace within the *North-Riding* of *Yorkshire*, by sending a Licence under his Hand and Seal unto his Tenant *Thomas Fisher*, dwelling in his Lordships Mannor of *Helmsley* in the said *North-Riding* of the said County of *York*, to keep an Alehouse, soon after he was by an Order made at the Quarter-Sessions discharged from keeping an Alehouse, because he was a Popish convict Recusant, and to have procured a Popish Schoolmaster, namely, *Roger Conyers* to teach Schollers within the said Mannor of *Helmsley*, that formerly had his Licence to teach Schollers taken from him, for teaching Schollers that were the children of Popish Recusants, and because he suffered these children to absent themselves from the Church whilest they were his Schollers; for which the said *Conyers* was formerly complained of in Parliament.

The Right Honorable Vicount *Dunbar*, Deputy Justice in Oyer to the Earl of *Rutland*, from *Trent* Northward, and a Commissioner of *Sewers*, and a Deputy Lieutenant within the *East-Riding* of *Yorkshire*; his Lordship is presented to be a Popish Recusant, and his Indictment removed into the Kings-Bench, and his Wife, Mother, and the greatest part of his Family are Popish Recusants, and some of them convicted.

William Lord *Eury* in Commission for the *Sewers* in the *East-Riding*, a convict Popish Recusant, *Henry* Lord *Abergavenny*, *John* Lord *Tenham*, *Edward* Lord *Wotton* in Commission for *Sewers*, justly suspected for Popery; *Henry* Lord *Morley* Commissioner of *Sewers in Com. Lanc.* himself suspected, and his wife a Recusant, *John* Lord *Mordant* Commissioner of the Peace, *Sewers*, and Subsidie *in Com. Northampton.*

John Lord St *John* of *Basing*, Captain of *Lidley* Castle *in Com. Southampton*, indicted for a Popish Recusant.

Em. Lord *Scroop*, Lord President of his Majesties Council in the North, Lord Lieutenant of the County and City of *York*, *& Com. Ebor. & Ville Kingston super Hull*, presented the last time, and continuing still to give suspition of his ill-affection in Religion,

1. By never coming to the Cathedral Church upon those dayes wherein former Presidents have been accustomed.

2. By never receiving the Sacrament upon Common dayes, as other Presidents were accustomed, but publickly departing out of the Church with his servants upon those dayes when the rest of the Council, Lord Major, and Aldermen do receive.

3. By never or very seldom repairing to the Fasts, but often publickly riding abroad with his Hawks upon those dayes.

4. By causing such as are known to be firm on those dayes in the Religion established, to be left out of Commission, which is instanced in *Henry Alured* Esquire, by his Lordships procurement put out of the Commission of *Sewers*, or else by keeping them from executing their places, which is instanced in *Dr. Hutton*, Doctor in Divinity, to whom his Lordship hath refused to give the Oath being appointed.

5. By putting divers other ill-affected persons in Commission of the Council of Oyer and Terminer, and of the *Sewers*, and into other Places of Trust, contrary to his Majesties gracious Answer to the late Parliament.

6. In

2 *Caroli.*

6. In *October* last 1625. being certified of divers Spaniſh ſhips of War upon the Coaſts of *Scarborough*, his Lordſhip went thither, and took with him the Lord *Dunbar*, Sir *Thomas Metham* and *William Alford*, and lay at the houſe of the Lord *Eury*, whom he knew to be a convict Recuſant, and did notwithſtanding refuſe to diſarm him, although he had received Letters from the Lords of the Council to that effect; and did likewiſe refuſe to ſhew the Commiſſioners who were to be imployed for diſarming of Popiſh Recuſants, the original Letters of the Privy-Council, or to deliver them any Copies as they deſired, and as his Predeceſſors in that place were wont to do.

7. By giving Order to the Lord *Dunbar*, Sir *William Wetham*, and Sir *William Alford*, to view the Forts and Store of Munition in the Town of *Kingſton* upon *Hull*, who made one *Kerton* a convict Recuſant, and ſuſpected to be a Prieſt, their Clerk in that ſervice.

8. By denying to accept a Plea tendred according to the Law by Sir *William Hilliard* Defendant, againſt *Iſabel Simpſon* Plaintiff, in an Action of Trover, that ſhe was a convict Popiſh Recuſant, and forcing him to pay coſts.

9. By the great increaſe of Recuſants ſince his Lordſhips coming to that Government in *January* 1619. It appearing by the Records of the Seſſions, that there are in the *Eaſt-Riding* onely One thouſand ſix hundred and ſeventy more convicted then were before, which is conceived to be an effect of his favor and countenance towards them.

William Langdale Eſquire convict of Popiſh Recuſancy; *Jordan Metham*, *Henry Holm*, *Michael Partington*, Eſquires, *George Creſwell*, *Thomas Danby*, Commiſſioners of the *Sewers*, and put in Commiſſion by procurement of the Lord *Scroop*, Lord Preſident of the North, and who have all Popiſh Recuſants to their wives; *Ralph Bridgeman* a Non-Communicant.

Nicholas Girlington, whoſe wife comes ſeldom to Church; Sir *Marmaduke Wyvel* Knight and Baronet, preſented the laſt Parliament, his wife being a convict Popiſh Recuſant, and ſtill continuing ſo.

Sir *Thomas Metham* Knight, Deputy Lieutenant made by the Lord *Scroop* in Commiſſion of the Council of the North, and of Oyer and Terminer, and other Commiſſions of Truſt; all by procurement of the ſame Lord Preſident ſince the Kings Anſwer; never known to have received the Communion; his two onely Daughters brought up to be Popiſh, and one of them lately married to *Thomas Doleman* Eſquire, a Popiſh Recuſant.

Anthony Vicount *Montague*, in Commiſſion of the *Sewers in Com. Suſſex*, his Lordſhip a Recuſant Papiſt.

Sir *William Wray* Knight, Deputy Lieutenant, Colonel to a Regiment, his wife a Recuſant; Sir *Edw. Muſgrave*, Sir *Tho. Dampleigh* Juſtices of Peace and *Quorum*; Sir *Thomas Savage* Deputy Lieutenant and Juſtice of Peace, his wife and children Recuſants; Sir *Richard Egerton* a Non-Communicant.

Thomas Savage Eſquire, a Deputy Lieutenant, a Recuſant, and his wife indicted and preſented; *William Whitmore* Commiſſioner of the Subſidy, his wife and children Recuſants; Sir *Hugh Beeſton* Commiſſioner of the Subſidy, his Daughter and many of his Servants Recuſants; Sir *William Maſſie* Commiſſioner for the Subſidy, his Lady indicted for Recuſancy, and his children Papiſts; Sir *William Courtney* Knight, Vice-Warden of the *Stanneryes*, and Deputy Lieutenant, a Popiſh Recuſant,

Sir

An. 1626. Sir *Thomas Ridley* Knight, Justice of the Peace, his wife a Popish Recusant, and eldest son.

Sir *Ralph Conyers* Knight, Justice of Peace, his wife a Popish Recusant; *James Lawson* Esquire, a Justice of Peace, and one of the Captains of the Trained-band, his children Popish Recusants, and servants Non-Communicants.

Sir *John Shelley* Knight and Baronet, a Recusant; *William Scot* Esq; a Recusant; *John Finch* Esquire, not convict, but comes not to Church, in Commission of the *Sewers*. A

These are all convicted Recusants, or suspected of Popery.

Sir *William Mollineux* Deputy Lieutenant and Justice of Peace, his wife a Recusant; Sir *Richard Houghton* Knight Deputy Lieutenant, his wife and some of his daughters Recusants; Sir *William Norris* Captain of the general Forces, and Justice of Peace, a Recusant; Sir *Gilbert Ireland* Justice of Peace, a Recusant; *James Anderton* Esquire, Justice of Peace, and one of his Majesties Receivers, his wife a Non-Communicant, his son and heir a great Recusant, and himself suspected. B

Edward Rigby Esquire, Clerk of the Crown, Justice of Peace, himself a good Communicant, but his wife and daughters Popish Recusants.

Edward Criswell Esquire, Justice of Peace, his wife a Popish Recusant.

John Parker Gentleman, Muster-Master for the County, suspected for a Popish Recusant.

George Ireland Esquire, Justice of Peace, his wife a Popish Recusant. C

John Preston Esquire, Bow-bearer for his Majesty in *Westmorland* Forest, a Recusant.

Thomas Covill Esquire, Jaylor, Justice of Peace and *Quorum*, his Daughter a Recusant married.

Sir *Cuthbert Halsal* Justice of Peace, his wife a Recusant.

Richard Sherborn Esquire, Justice of Peace, himself Non-resident, his wife and son Recusants.

Sir *George Hennage* Knight, Sir *Francis Metcalf* Knight,* *Robert Thorold* Esquire, *Anthony Mounson* Esquire, *William Dallison* Esquire, in Commissioner of the *Sewers*, and are justly suspected for Popish Recusants. D

Sir *Henry Spiller* Knight in Commission of Peace for *Middlesex* and *Westminster*, and Deputy Lieutenant; *Valentine Saunders* Esquire, one of the six Clerks, both which are justly suspected to be ill-affected in Religion according to the Acts of State.

Charles Jones Knight, Deputy Lieutenant, and Justice of Peace; *George Milburne* Esquire, Justice of Peace, *Edward Morgan* Esquire, their wives are all Popish Recusants. E

William Jones Deputy Lieutenant, Justice of Peace, his wife suspected to be a Popish Recusant.

John Vaughan Captain of the Horse, suspected for Recusancy.

Benedict Hall Receiver and Steward of the Dutchy of *Lancaster*, he and his wife are Popish Recusants.

Sir *Thomas Brudenel* Knight and Baronet, Deputy Lieutenant, a Popish Recusant. F

Cuthbert Heron Esquire, now Sheriff of *Northumberland*, Justice of the Peace, his wife a Recusant.

Sir *William Selby* Junior, Knight, Justice of Peace, his wife a Recusant.

Sir

2 *Caroli.*

Sir *John Canning* Knight, Juſtice of Peace, his wife a ſuſpected Recuſant.

Sir *Ephraim Widdrington* Knight, Juſtice of Peace ſuſpected to be a Recuſant.

Sir *Thomas Riddall* Knight, Juſtice of Peace, his wife and eldeſt ſon are Recuſants.

John Widdrington Eſquire, who came out of the ſame County before his Majeſties Proclamation was publiſhed, and is now at *London* attending the Council Table by Commandment, and yet not diſmiſt.

Sir *Robert Pierpoint* Eſquire, Juſtice of Peace, his wife a Recuſant.

Sir *Anthony Brown* Knight, Juſtice of Peace, thought to be a Recuſant, but not convict.

Sir *Henry Beddingfield* Knight, Deputy Lieutenant, and Juſtice in Oyer and Terminer, and in Commiſſion of Sewers, Juſtice of Peace, and Captain of a foot Company, his wife nor any of his children, as is informed, come to the Church.

Thomas Sayer Captain of the Horſe, his wife comes not to Church.

Sir *William Telverton* Baronet, and Juſtice of Peace, not ſuſpected himſelf, but his eldeſt ſon and one of his daughters are known Recuſants.

Sir *Henry Minne* Knight, Juſtice of Peace and *Quorum*, neither he his wife or daughters can be known to have received the Communion, and have been preſented at the Seſſions for Non-conformity.

Robert Warren Clerk, a Juſtice of Peace, juſtly ſuſpected, and that for theſe Reaſons.

1. He being in truſt for one *Ratcliff* of *Bury*, deceaſed, for the educating of his ſon; he took him from the School at Twelve years old, and ſent him beyond the Seas, to be brought up there in a Popiſh Seminary, where he hath remained ſix or ſeven years, as was generally reported.

2. One of his Pariſhioners doubted in ſome points of Religion, being ſick, and deſired to be ſatisfied by him, who confirmed him in the Religion of the Church of *Rome*, which he told to his brothers before his death, who are ready to affirm the ſame, but this was divers years ſince.

3. There being Letters directed to four Knights of that County to call the Miniſters and other officers before them, and to cauſe them to preſent all ſuch as abſented themſelves from the Church, and were Popiſhly affected, he was deſired to preſent thoſe within his Pariſh Church of *Welford*, which he accordingly did, but left out at the leaſt one half; and being asked, why he did ſo, he anſwered, that he was no Informer: And being asked of ſome particulars, whether they came to the Church or not, his Anſwer was, they did not, and why then did he not preſent them? he ſaid, they might be Anabaptiſts or Browniſts, and would not preſent them, and this certified by three Members of the Houſe.

4. He having a brother dwelling in *Sudbury* that was preſented for not coming to the Church, he came to one of the Miniſters, and told him, that he took it ill they preſented his brother; who anſwered, he did it not, but if he had known of it, he would; whereupon he replied, He was glad he had a brother of any Religion.

5 One of his Pariſh, named *Fage*, having intelligence, that there was one in the ſaid Pariſh, that could inform of a Private place, where Arms were in a Recuſants Houſe in the Pariſh, came to ſome of the Deputy Lieutenants in Commiſſion for a Warrant to bring the ſame in form before them, to be examined concerning the ſame, and the ſaid

Fage

An. 1626.

Fage delivered the Warrant to the Conſtable, he carried him before the ſaid Mr *Warren*, who rated the ſaid *Fage* for that he did not come to him firſt, telling him, that he was a factious fellow, and laid him by the heels for two hours, which the ſaid *Fage* is ready to affirm.

Sir *Benjamin Titchburne* Knight and Baronet, Juſtice of Oyer and Terminer, Juſtice of Peace, and Deputy Lieutenant, and in Commiſſion for the Subſidue, his wife, children and ſervants indicted for popiſh Recuſancy.

Sir *Richard Tichburne* Knight, Juſtice of the Peace, his wife preſented the laſt Seſſions for having abſented her ſelf from the Church for the ſpace of two moneths.

Sir *Henry Compton* Knight, Deputy Lieutenant, Juſtice of Peace, and Commiſſioner for the Sewers; Sir *John Shelly* Knight and Baronet, himſelf and his Lady Recuſants.

Sir *John Gage* Knight and Baronet, a Papiſt Recuſant.

Sir *John Guilfor* Knight, } Their Ladies come not to Church.
Sir *Edward Francis* Knight, }

Sir *Genet Kempe* Knight, ſome of his children come not to Church.

Edward Gage Eſq; a Recuſant Papiſt } Commiſſioners of the Sewers.
Tho. Middlemore comes not to Church }

James Rolls, *William Scot*, Commiſſioners of Sewers, both Recuſants Papiſts; *Robert Spiller* comes not to Church.

Sir *Henry Guilford* in Commiſſion for Piracies, and for the Sewers, and *John Thatcher* Eſquire, Commiſſioner for the Sewers, they are either perſons convicted or juſtly ſuſpected.

Sir *Richard Sandford* Knight, *Richard Brewthwait* Eſquire, *Gawen Brewthwait* Eſquire, their wives are Recuſants.

Sir *William Ambrey* Knight, Juſtice of Peace, a Recuſant,

Rees Williams a Juſtice of Peace, his wife a convict Recuſant, and his children Popiſhly bred, as is informed.

Sir *John Coney* Knight a Juſtice of Peace, and Deputy Lieutenant, his wife a Popiſh Recuſant.

Morgan Voyle Eſquire, Juſtice of Peace, his wife preſented for not coming to Church, but whether ſhe is a Popiſh Recuſant is not known.

John Warren Captain of the Trained-band, one of his ſons ſuſpected to be Popiſhly affected.

Wherefore they humbly beſeech your Majeſty not to ſuffer your loving Subjects to continue any longer diſcouraged by the apparent ſence of that increaſe both in number and power, which by the fabor and countenance of ſuch like ill-affected Governors accreweth to the Popiſh Party; but that according to your own wiſdom, goodneſs and piety (whereof they reſt aſſured) you will be graciouſly pleaſed to command that Anſwer of your Majeſties to be effectally obſerved, and the Parties above named, and all ſuch others to be put out of ſuch Commiſsions and Places of Authority wherein they now are in your Majeſties Realm of England, contrary to the Ats and Law of State in that behalf.

A Committee was appointed to prepare an Anſwer to his Majeſties Letter, which was ingroſſed and allowed of, but the Copy thereof we cannot finde; yet the Subſtance was delivered by the Speaker Sir *Henage Finch*, in theſe words.

Moſt

2 Caroli.

The Commons Answer to his Majesties Letter by the Speaker

Most gracious and dread Soveraign,

"According to that liberty of access, and liberty of speech which your Majesty and your Royal Progenitors have ever vouchsafed to your House of Commons, your Majesties most humble and Loyal Subjects, the Commons now assembled in Parliament have been Suitors for this access to your Royal Throne.

"And out of their consideration of the nature, and of the weight and importance of the business, they have thought the attendance of the whole house with their Speaker, not too solemn; and yet they have not thought fit barely to commit those words, which express their thoughts, to the trust of any mans Speech, but are bold to present them in writing to your gracious hands; that they may not vanish, but be more lasting then the most powerfull words of a more able Speaker like to be.

"I have much to read, and shall therefore, as little as I can, weary your Majesty with Speeches.

"This Parchment contains two things, the one by way of Declaration, to give your Majesty an accompt and humble satisfaction of their clear and sincere endeavors and intentions in your Majesties service; and the other an humble Petition to your Majesty for the removal of that great person the Duke of *Buckingham* from access to your Royal presence.

"For the first, They beseech your most excellent Majesty to believe, that no earthly thing is so dear and precious to them, as that your Majesty should retain them in your grace and good opinion; and it is a grief to them beyond my expression, that any misinformation, or misinterpretation should at any time render their words or proceedings offensive to your Majesty.

"It is not proper for any to hear the Eccho of a voice, that hears not the voice; and if Eccho's be sometimes heard to double and redouble, the Eccho of the Eccho is still fainter, and sounds not lowder.

"I need not make the Application, words misreported, though by an Eccho, or but an Eccho of an Eccho, at a third or fourth hand, have oft a lowder sound then the voice it self, and may sound disloyalty, though the voice had nothing undutifull, or illoyal in it.

"Such misinformations they fear have begot those interruptions and diversions which have delayed the ripening and expediting of those great Counsels which concern your Majesties important service, and have enforced this Declaration.

"I pass from that to the Petition in which my purpose is not to urge those Reasons which your Majesty may hear expressed in their own words in the language of the people.

"I am onely directed to offer to your great wisdom and deep judgement, that this petition of theirs is such as may stand with your Majesties honor and justice to grant.

"Your Majesty hath been pleased to give many Royal Testimonies and Arguments to the world how good and gracious a Master you are; and that which the Queen of *Sheba* once said to the wisest King, may without flattery be said to your Majesty,

Happy are those Servants which stand continually before you.

An. 1626.

"But the Relations by which your Majesty stands in a gracious "aspect towards your people, do far transcend, and are more prevalent "and binding, then any relation of a Master towards a Servant; and to "hear and satisfie the just and necessary desires of your people, is more "honorable, then any expression of grace to a servant.

"To be a Master of a Servant is communicable to many of your "Subjects; to be a King of people, is Regal, and incommunicable to "Subjects.

"Your Majesty is truly stiled with that name which the greatest Em- "perors, though they borrowed names and titles from those Countries "which they gained by conquest, most delighted in, *Patey Patriæ*, and "desires of children are preferred before those of servants, and the ser- "vant abideth not in the house for ever, but the son abideth ever.

"The Government of a King was truely termed by your Royal Fa- "ther, a Politick Marriage between him and his People; and I may safe- "ly say, there was never a better union between a married Pair, then is "between your Majesty and your People.

Afterwards the Commons made what haste they could to perfect a Remonstrance or Declaration against the Duke, and concerning Tonage and Poundage taken by the King since the death of his Father, without consent in Parliament, which was no sooner finished, but they had intimation the King would that day dissolve the Parliament; whereupon they ordered every Member of the House to have a Copy of the Remonstrance.

And at the same time the Lords prepared this ensuing Petition to stay his purpose in dissolving the Parliament.

May it please your Excellent Majesty,

WE your faithfull and loyal Subjects the Peers of this Kingdom, having received this morning a Message from your Majesty, intimating an intention to dissolve this Parliament; remembring that we are your Majesties hereditary great Council of the Kingdom, do conceive that we cannot deserve your Majesties gracious opinion expressed in this Message unto us, nor discharge our duty to God, your Majesty and our Country, if after expression of our great and unfeigned sorrow, we did not humbly offer our loyal and faithfull advice to continue this Parliament, by which those great and apparent dangers at home and abroad signified to us by your Majesties command, may be prevented, and your Majesty made happy in the duty and love of your people, which we hold the greatest Safety and Treasury of a King; for the effecting whereof our humble and faithfull endeavor shall never be wanting.

The Lords sent the Vicount *Mandeville* Earl of *Manchester* Lord President of his Majesties Council, the Earl of *Pembrook*, the Earl of *Carlile*, and the Earl of *Holland* to intreat his Majesty to give audience to the whole House of Peers. But the King returned Answer, That his Resolution was to hear no motion to that purpose, but he would dissolve the Parliament; and immediately caused a Commission to pass under the Great-Seal to that purpose, *in hac verba*.

Carolus

2 Caroli.

CAROLUS Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor, &c. Reverendißimo in Christo Patri & fideli Consiliario nostro Georgio Archiepisc. Cantuar. totius Angliæ Primati & Metropolitano: Ac perdilecto & fideli Consiliar. nostro Thomæ Coventry militi, Dom. Custod. Magni Sigilli nostri Angliæ: Ac etiam Reverendiß. in Christo Patri Tobiæ Archiep. Ebor. Angliæ Primati & Metropolitano: Nec non charißimis Consanguineis & Consiliariis nostris Jacobo Comiti Marlborough, Thesaurario nostro Angliæ; Henrico Comiti Mancheſter, Dom. Presidenti Consilii nostri; Edwardo Comiti Wigorn. Custod. Privati Sigilli nostri; Georgio Duci Buckingham, Magno Admirallo nostro Angliæ; Willielmo Comiti Pembroke, Camerario Hospitii nostri: Ac etiam charißimo Consanguineo nostro Edwardo Comiti Dorset; nec non charißimo & Consiliar. nostro Philippo Comiti Mountgomery; charißimóque Consanguineo nostro Willielmo Comiti Northampton, Presidenti Consilii nostri infra Principalitatem & Marchias Walliæ; ac chariß. Consanguineo & Consiliar. nostro Jacobo Comiti Carlol. Nec non charißimis Consanguineis nostris Johanni Comiti de Clare, Thomæ Comiti Cleveland, Edmundo Comiti de Mulgrave: Nec non charißimo Consanguineo & Consiliar. nostro Georgio Comiti de Totnes; charißimóque Consanguineo nostro Henrico Vicecomiti Rochford: Ac etiam Reverendis in Christo Patribus Georgio Episcopo London, Richardo Episc. Dunelm. Reverendóque in Christo Patri & fideli Consiliar. nostro Lanceloto Episc. Winton. Nec non Reverendis in Christo Patribus, Samueli Episc. Norwicen. Willielmo Episc. Menevens. Ac perdilecto & fideli Consiliario nostro Edwardo Dom. Conway, uni primorum Secretarium nostrum, Ac etiam perdilecto & fideli nostro Samueli Dom. Scroop Presidenti Consilii nostri in partibus Borealibus; perdilectóque & fideli Consiliar. nostro Fulconi Dom. Brook, Salutem.

Cùm nuper pro quibusdam arduis & urgentibus negotiis, Nos statum & defensionem Regni nostri Angliæ & Ecclesiæ Anglicanæ concernentibus, præsens hoc Parliamentum nostrum apud Civitatem nostram Westmonasterii sexto die Februar. Anno Regni nostri primo inchoari & teneri ordinaverimus, à quo die idem Parliamentum nostrum usque ad & instantem decimum quintum diem Junii continuatum fuerat: Sciatis quòd nos pro certis urgentibus causis & considerationibus nos specialiter moventibus, idem Parliamentum nostrum hoc instanti decimo quinto die Junii duximus dissolvendum. De fidelitate igitur, prudentia & circumspectione vestris plurimum confidentes, de aviſamento & assensu Consilii nostri assignavimus vos Commissionarios nostros, dantes vobis & aliquibus tribus vel pluribus vestrum tenore præsentium, plenam potestatem & authoritatem hoc instanti decimo quinto die Junii ad dictum Parlamentum nostrum nomine nostro plenariè dissolvendum; & ideo vobis mandamus quòd vos, vel aliqui tres vel plures vestrum, idem Parliamentum nostrum hoc instante decimo quinto die Junii, virtute harum Literarum nostrum patent. plenariè dissolvatis & determinetis. Et ideo vobis mandamus quòd præmissa diligenter intendatis, ac ea in forma prædicta effectualiter expleatis & execquamini. Damus autem universis & singulis Archiepiscopis, Ducibus, Marchionibus, Comitibus, Vicecomitibus, Episcopis, Baronibus, Militibus, Civibus & Burgensibus, ac omnibus aliis quorum interest ad dictum Parliamentum nostrum conventurum, tenore præsentium firmiter in mandat. quod vobis in præmissis faciend. agend. & exiquend. pariant, obediant, & intendant in omnibus prout decet. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Westm. decimo quinto die Junii, Anno Regni nostri secundo.

EDMONDS.

An. 1626.

This Commission being read, and the Commons present, the Parliament was dissolved on the Fifteenth day of *June* 1626.

The intended Remonstrance was as followeth.

Most Gracious Soveraign,

WE your loyal and faithful Subjects the Commons assembled by your Majesties most Royal authority in this present Parliament, having with all dutiful affection from the time of our first meeting earnestly endeavoured to proceed speedily in those affairs that might best and soonest conduce to our dispatch of the intended supply of your Majesties great Occasions, to the enlargement of your support, and to the enabling of our selves and them whom we represent, to the full and timely performance of the same; have notwithstanding by reason of divers informations, interruptions, and other prevention's been hitherto so retarded in the prosecution of these affairs, that we now thought it a necessary part of our most humble duties thus to declare both those interruptions and preventions, with the true original and continual cause of them, as also our most earnest devotion of the Parliamentary service of your most excellent Majesty, and of the careful safety and defence of your Dominions, Crown and Dignity: And we most humbly therefore beseech your most excellent Majesty to be graciously pleased here to cast your eye on some particulars, that have relation as well to your first Parliament, as to this; out of which we cannot doubt but that your great Goodness may receive an ample satisfaction touching our most loyal and faithful intentions.

In the first Parliament of the first Year of your Majesties most happy Reign over us, the Commons then assembled, after they had chearfully presented to your Majesty as the first-fruits of their affections Two entire Subsidies, were exceedingly pressed by the means of the Duke of Buckingham, and for his own ends, as we conceive, to enlarge that Supply: which when he conceived would not be there effected, he procured for the same ends from your Majesty an Adjournment of the Parliament to the City of Oxford; where the Commons then taking into just consideration the greatest mischiefs which this Kingdom hath lately hath suffered, and that chiefly by reason of the exorbitant power and frequent misdoings of the said Duke, were entring into a Parliamentary course of examination of those mischiefs, power, and misdoings: But no sooner was there any mention made of his Name to this purpose, but that he fearing lest his Actions might so have been too much laid open to the view of your most excellent Majesty, and to the just Censure that might then have followed, presently through his misinformations to your Majesty of the intentions of your said Commons (as we have just cause to believe) procured a dissolution of the said Parliament: And afterwards also in the same year, through divers misreports made to your Majesty in his behalf touching some Members of the said Commons, who had more particularly drawn his Name into just question, and justly professed themselves averse to his ends there, procured (as we cannot but conceive) the said Members to be made the Sheriffs of several Counties for this year

year that followed, to the end that they might have all been precluded from being chosen Members of the present Parliament, lest they should again have therein questioned him; and by the like practice also (as we are perswaded) he procured soon after the said dissolution another * Member of the said House, because he had justly protested himself against his Ends, to be sent as Secretary of your Majesties last Fleet, hereby indeed to punish him by such drawing him from his practice of the Law, which was his Profession, under colour of an honorable Imployment. 2 *Caroli.* *Mr *Glanvile.*

It pleased your Majesty afterwards in February last, to call this present Parliament, wherein (though none of those whom the said Duke had so procured to be made high Sheriffs have sit as Members; yet) we finding in our selves the like affection, first to the Service of your Majesty, and next to the good of the Commonwealth, we took into serious Consideration several Propositions, how for the safety and happiness of your Majesties Kingdoms and Allies, we might enlarge your Supports, add to the Military Strength without charge to the poorer sort of your Subjects, and give a larger Supply to your Majesty for your instant and pressing occasions, then hath ever yet but once been given in Parliament: Whereupon for the enabling of our selves and those whom we represent, we conceive it first necessary to search into the Causes of those Mischiefs, which this your Kingdom suffereth, and divers of the Grievances that oberburthen your Subjects; without doing of which we could neither be faithful to your Majesty, nor to the Country that doth trust and imploy us, as your Royal Father also of blessed memory admonished the House of Commons in the fourth Session of his first Parliament. In this consideration we found that the most pressing and comprehensive Mischief and Grievance that we suffered, was fundamentally setled in the bad power and enormous Actions of the said Duke, being such, that by reason of his plurality of Offices, all gotten by ambition, and some for money, expressly against the Lawes of your Realm; His breach of Trust, in not guarding the Seas; his high injustice in the Admiralty; his extortion; his delivering over the Ships of this Kingdom into the hands of a Forein Prince; his procuring of the compulsory buying of honor for his own gain; his unexampled exhausting of the Treasures and Revenues of the Kingdom; his transcendent presumption of that unhappy applying of Physick to your Royal Father of blessed memory, few dayes before his death, and some other his Offences carefully and maturely examined by us, we made a Parliamentary Charge of the same matters and offences against him, to the Lords by your Majesty assembled in Parliament, there expecting some remedy by a speedy proceeding against him; but, may it please your most excellent Majesty, not onely during the time of our examination of the matters and offences of the same Charge, we were diversly interrupted, and diverted, by Messages procured through misinformation from your Majesty, which with most humble duty and reverence we did ever receive, whence it first fell out, that so not onely much time was spent amongst us, before the same Charge was perfected, but also within two dayes next after the same Charge was transmitted by us to the Lords: Upon untrue and malicious misinformations privately and against the Priviledge of Parliaments, given to your Majesty of certain words supposed

An. 1626. supposed to have been spoken by Sir Dudley Digs and Sir John Elliot Knights, two of the Members of our House, in their service of the transmitting of the said Charge, both of them having been especially employed in the Chairs of Committees with us, about the examination of the said matters and offences, they were both by your Majesties command committed to close imprisonment in the Tower of London, and their Lodgings presently searched, and their papers there found presently taken away; by reason whereof, not onely our known Priviledges of Parliament were infringed, but we our selves that upon full hope of speedy course of Justice against the said Duke were preparing with all dutifull affection to proceed to the dispatch of the Supply, and other Services to your Majesty, were wholly, as the Course and Priviledge of Parliament bindes us, diverted for divers dayes, to the taking onely into consideration some Courses for the ranking and preservation of the Priviledges so infringed, and we think it our duties, most gracious Soveraign, most rightly to inform hereby your most excellent Majesty of the Course held in the Commitment of the two Members: For whereas by your Majesties Warrant to your Messengers for the arresting of them, you were pleased to command, that they should repair to their Lodgings. And there take them; Your Majesties principal Secretary the Lord Conway gave the said Messengers, (as they affirmed) an express command, contrary to the said Warrants, that they should not go to their Lodgings, but to the House of Commons, and there take them; and if they found them not there, they should stay until they were come into the House, and apprehend them wheresoever else they should finde them. Which besides that it is contrary to your Majesties command, is an apparent Testimony of some mischievous intention there had against the whole House of Commons, and against the service intended to your Majesty. All which, with the several interruptions that preceded it, and the misinformation that hath caused all of them, we cannot doubt but that they were wrought and procured by the Duke to his own behoof, and for his advantage, especially because the said Interruptions have through misinformation come amongst us, onely at such times wherein we have had the matters and offences charged against him in agitation; but your Majesty out of your great goodness and justice being afterwards informed truely of our Priviledge, and the demerit of the Cause that concerned our said two Members, graciously commanded the delivery of them out of the Tower, for which we render unto your Majesty most humble thanks; and were then again by reason of our hopes of the dispatch of proceedings with the Lords, upon our Charge against him said the Duke, in a cheerfull purpose to go on with the matter of Supply, and other services to your Majesty, when again these hopes failed in us, by reason of some new exorbitancies now lately shewed in the exercise of his so great power and ambition; for by such his power and ambition, notwithstanding our Declaration against him for his so great plurality of Offices, he also procured to himself, by the sollicitation of his Agents, and of such as depended upon him, the Office of Chancellor of the University of Cambridge; whereas the same University having two Burgesses in Parliament, did by the same Burgesses a few weeks before, consent with us in the Charge against him for his ambition for procuring

2 Caroli.

curing such a plurality of Offices; such was his ambition to sue for it, such was his power to make them give it him contrary to what themselves had agreed in Parliament with all the Commons of England. And he procured also the same Office by the special labors and endeavors (as we are informed) of a factious party, who adhereth to that dangerous Innovation of Religion, published in the seditious Writings of one Richard Montague Clerk; of whom it is thence also, and heretofore upon other reasons it hath been conceived, that the said Duke is, and long hath been an Abettor and Protector.

These Actions of the said Duke have thus among us hindred the service of your Majesty, by reason both of the interruptions that have so necessarily accompanied them, and of the prevention of our thankfulness, which otherwise had long since been most effectually shewed in us, that have nothing else in our cares next to our duty to God, but the loyal service of your Majesty, the safety of your Kingdom, and the subsistence of our selves and those whom we represent, for the continuance of that service and safety: Which we cannot hope for, and we beseech your most excellent Majesty graciously to receive this our humble and free protestation, That we cannot hope for it, so long as we thus suffer under the pressures of the power and ambition of the said Duke, and the divers and false Informations so given to your Majesty on his behalf and for his advantage, especially when we observe also that in such his greatness he preventeth the giving of true Information to your Majesty in all things that may any ways reflect on his own misdoings, to shew unto your Majesty the true state of your Subjects and Kingdoms, otherwise then as it may be represented for his own ends. And to that purpose also hath he procured so many persons depending on him, either by alliance or advancement, to places of eminencie near your Sacred person. Through his misinformations of that kind also, and power, we have seen to our great grief, both in the time of your Majesties Royal Father of blessed memory, and of your Majesty, divers Officers of the Kingdom so often by him displaced and altered, that within these few years past, since the beginning of his greatness, more such displacings and alterations have by his means happened, then in many years before them: Neither was there in the time of your Royal Father of blessed memory any such Course held, before it was by the practice of the said Duke thus introduced. And since that time divers Officers of the Crown, not only in this your Kingdom of England, but also in Ireland, as they have been made friends or adverse to the said Duke, have been either so commended, or misrepresented by him to his Soveraign, and by his procurement so placed, or displaced, that he hath always herein, as much as in him lay, made his own ends and advantage the measure of the good or ill of your Majesties Kingdoms.

But now at length, may it please your most excellent Majesty, we have received from the Lords a Copy of the said Dukes Answer to our Charge transmitted against him; whereunto we shall presently in such sort reply, according to the Laws of Parliament, that unless his power and practice again undermine our proceedings, we do not doubt but we shall upon the same have Judgment against him.

In the times also (most gracious Soveraign) of these Interruptions which came amongst us, by reason of the procurement of

two

An. 1626. two of our Members committed, A gracious Message was formerly received from your Majesty, wherein you had been pleased to let us know, That if you had not a timely Supply, your Majesty would betake your self to New Counsels: which we cannot doubt were intended by your most excellent Majesty to be such as stood with Justice and the Laws of this Realm. But these words New Counsels were remembred in a Speech made amongst us by one of your Majesties Privy-Council, and lately a Member of us, who in the same Speech told us, he had often thought of those words New Counsels; That in his consideration of them, he remembred that there were such kinds of Parliaments anciently among other Nations, as are now in England; That in England he saw the Country-people live in happiness and plenty, but in these other Nations he saw them poor both in persons and habit; to to that effect: which state and condition happened (as he said) to them, where such New Counsels were taken, as that the use of their Parliaments ended.

This insinuation, may it please your Majesty, was such as also gave us just cause to fear there were some ill Ministers near your Majesty, that in behalf of the said Duke, and together with him, who is so strangely powerful, were so much against the Parliamentary Course of this Kingdom, as they might perhaps advise your most excellent Majesty such New Counsels as these, that fell under the memory and consideration of that Privy-Counsellor. And one especial reason among others hath increased that fear amongst us, For that whereas the Subsidies of Tonnage and Poundage, which determined upon the death of your most Royal Father our late Soveraign, and were never payable to any of your Majesties Ancestors but only by a special Act of Parliament, and ought not to be levied without such an Act, yet ever since the beginning of your Majesties happy Reign over us, the said Subsidies have been levied by some of your Majesties ministers, as if they were still due; although also one Parliament hath been since then begun, and dissolved by procurement of the said Duke, as is before shewed, wherein no Act passed for the same Subsidies. Which example is so much against the constant use of former times, and the known Right and Liberty of your Subjects, that it is an apparent effect of some new Counsels given against the antient setled Course of Government of this your Majesties Kingdom, and chiefly against the Rights of your Commons, as if there might be any Subsidy, Taxes, Impositions upon them, without their assent in Parliament, or contrary to the setled Laws of this Kingdom. But if any such be so ill an office, say by the misrepresentation of the state and right of your Majesties loyal Subjects, advise any such new Counsels as the levying of any Aid, Tax or Subsidy among your people, contrary to the setled Laws of your Kingdom, We cannot, most gracious Soveraign, but esteem them that so shall advise, not only as Vipers, but Traitors to their King and Commonwealth, (as all such were to both Houses of Parliament expressly called by your most Royal Father) but also Capital Enemies as well to your Crown and Dignity, as to the Commonwealth. And we shall for our parts in Parliament shew, as occasion shall require, and be ready to declare their offences of this kind, such as that may be rewarded with the highest punishment as your Laws inflict on any Offenders.

These

2 *Caroli.*

These, and some of these things, amongst many other, (Most gracious Soveraign) are those which have so much prevented a right understanding between your Majesty and us, and which have pierced the hearts of your people and loyal Commons with unspeakable sorrow and grief, finding apparently all humble and hearty endeavors misinterpreted, hindred, and now at last almost frustrated utterly, by the interposition of the exercise and abusive power of one man; Against whom we have just cause to protest, not only in regard of the particulars wherewith he hath been charged, which in Parliamentary way we are enforced to insist upon, as matters which lie in our notice and proof, but also because we apprehend him of so unbridled Ambition, and so averse to the good and tranquillity of the Church and State, that we verily believe him to be an Enemy to both: And therefore, unless we would betray our own duties to your Majesty, and those for whom we are trusted, We cannot but express our infinite grief, that he should have so great power and interest in your Princely affections, and under your Majesty wholly in a manner to engross to himself the administration of your Affairs of the Kingdom, which by that means is drawn into a Condition most miserable and hazardous.

Give us then leave, most dear Soveraign, in the name of all the Commons of this your Kingdom, prostrate at the feet of your Sacred Majesty, most humbly to beseech you, even for the honor of Almighty God, whose Religion is directly undermined by the practice of that Party whom this Duke supports; For your honor, which will be much advanced in the relieving of your people in this their great and general grievance; For the honor, safety and welfare of your Kingdom, which by this means is threatned with almost unavoidable dangers; And for the love which your Majesty as a good and loving Father bears unto your good people, to whom we protest in the presence of Almighty God (the Searcher of all hearts) you are as highly esteemed and beloved as ever any of your Predecessors were, That you would be graciously pleased to remove this Person from access to your sacred presence, and that you will not ballance this one man with all these things, and with the Affairs of the Christian world, which do all suffer so far as they have relation to this Kingdom, chiefly by his means. For we protest to your Majesty, and to the whole world, That until this Great person be removed from intermedling with the Great Affairs of State, we are out of hope of any good success; and do fear that any money we shall or can give, will through his misimployment be turned rather to the hurt and prejudice of this your Kingdom, then otherwise, as by lamentable experience we have found in those large Supplies we have formerly and lately given.

But no sooner shall we receive redress and relief in this, (which of all others is our most insupportable grievance) but we shall forthwith proceed to accomplish your Majesties own desire, for Supply; and likewise with all cheerfulness apply our selves to the perfecting of divers other great things, such as we think no one Parliament in any Age can parallel, tending to the stability, wealth, and strength, and honor of this your Kingdom, and the support of your Friends and Allies abroad: And we doubt not but

An. 1626.

though Gods blessing, as you are the best, so shall you ever be the best beloved, and greatest Monarch that ever sate in the Royal Throne of this famous Kingdom.

The Grounds and Causes which the King held forth for dissolving of this, and the former Parliament, appear in the ensuing Declaration.

The Kings Declaration of the Causes of assembling and dissolving the two last Parliaments.

THe Kings most Excellent Majesty, since his happy access to the Imperial Crown of this Realm, holding by his Royal Authority summoned and assembled two several Parliaments; the first whereof was in August last by Adjournment held at Oxford, and there finished; and the other begun in February last, and continued until the Fifteenth day of this present moneth of June, and then to the unspeakable grief of himself, and (as he believeth) of all his good and well-affected Subjects, dissolved also: Although he well knoweth that the Calling, Adjourning, Proroguing, and Dissolving of Parliaments, being his great Council of the Kingdom, do peculiarly belong unto himself by an undoubted Prerogative inseparably united to his Imperial Crown; as much, as of his other Regal actions, he is not bound to give an account to any but to God only, whose immediate Lieutenant and Vicegerent he is in the six his Realms and Dominions, by the Laws and Customs committed to his charge and government: yet forasmuch as by the assistance of the Almighty, his purpose is to direct himself, and all his Actions, especially the great and publick Actions of Estate, concerning the peace of his Kingdoms, and the publick tranquillities not only to his own Conscience, and to his own People, but to the whole World; his Majesty hath thought it fit and necessary, as the Causes now stand both at home and abroad, to make a true, plain, and clear Declaration of the Causes which moved his Majesty to assemble, and after enforced him to dissolve these Parliaments; That in the mouth of malice it self may be stopped, and the bouches and fears of his own good Subjects at home, and of his Friends and Allies abroad may be satisfied, and the deserved blame of so unhappy Accidents may fully light upon the Authors thereof.

When his Majesty by the death of his dear and Royal Father, of ever blessed memory, first came to the Crown, he found peace still in possession of all his Kingdoms, not undergoing any actual War, or Enemy; not undertaken by himself or his Predecessors upon any just or honourable grounds. And entered into the necessity of Treaties of Peace and Amity with the Crowns of Spain and France, for the dispatch of his Princely Sister, and her Children, and for the recovering of the ancient Patrimony of his dear Sister, her Children, and their Posterity, miserably and unjustly ruined and wasted by the Enemy: And for the maintenance of the Reformed Religion, and Liberties thereunto and encouraged thereunto by the Counsels of both the Houses of Parliament, and by their large Supplies and Proffers in the late Session of Parliament, to undertake with real assistance in their Enterprises, which means of the great advantage over us that Enemy, and the general peace and safety of all the Friends and Allies: But when his Majesty entered into a Treaty of Marriage

2 *Caroli.*

Treasure, he found how ill provided he was to proceed effectually with so great an Action, unless he might be assured to receive such Supplies from his loving Subjects, as might enable him to manage the same.

Hereupon his Majesty being willing to tread in the steps of his Royal Progenitors, for the making of good and wholsom Laws for the better Government of his people, for the right understanding of their true Grievances, and for the Supply of monies to be imployed for those publick services, he did resolve to summon a Parliament with all convenient speed he might; And finding a former Parliament already called in the life of his Father, he was desirous for the the speedier dispatch of his weighty affairs, and gaining of time, to have continued the same without any alteration of the Members thereof, had he not been advised to the contrary by his Judges and Council at Law, for that it had been subject to question in Law, which he desired to avoid. But as soon as possibly he could, he summoned a new Parliament, which he did with much confidence and assurance of the love of his people that those (who not long before had with some importunity won his Father to break off his former Treaties with Spain, and to effect it had used the mediation of his now Majesty being then Prince, and a Member of the Parliament, and had promised in Parliament their uttermost assistance for the enabling of his late Majesty to undergo the War which they then foresaw might follow) would assuredly have performed it to his now Majesty, and would not have suffered him in his first Enterprize of so great an expectation, to have run the least hazard through their defaults.

This Parliament (after some Adjournment (by reason of his Majesties unavoidable occasions interposing) being assembled on the Eighteenth day of June, It is true, that his Commons in Parliament taking into their due and serious Consideration the manifold Occasions which at his first entry did press his Majesty, and his most important Affairs which both at home and abroad were then in action, did with great readiness and alacrity, as a pledge of their most bounden duty and thankfulness, and as the first fruits of the most dutiful affections of his loving and loyal Subjects devoted to his service, present his Majesty with the free and cheerful gift of two entire Subsidies: which their gift, and much more the freeness and heartiness expressed in the giving thereof, his Majesty did thankfully and lovingly accept: But when he had more narrowly entred into the consideration of his great affairs wherein he was imbarqued, and from which he could not without much dishonor and disadvantage withdraw his hand, he found that this sum of money was much short of that which of necessity must be presently expended for the setting forward of those great Actions, which by advice of his Council he had undertaken, and were that Summer to be pursued. This his Majesty imparted to his Commons house of Parliament, but before the same could receive that debate and due consideration which was fit, the fearful Visitation of the Plague in and about the Cities of London and Westminster, where the Lords and the principal Gentlemen of quality of his whole Kingdom were for the time of this their service lodged and abiding, did so much increase, that his Majesty, without extreme peril to the lives of his good Subjects, which were dear unto him, could not continue the Parliament any longer in that place.

An. 1626.

his Majesty therefore on the eleventh day of July then following, adjourned the Parliament from Westminster, until the first day of August then following, at the City of Oxford. And his Highness was so careful to accommodate his Lords and Commons there, that as he made choice of that place being then the freest of all others from the danger of that grievous Sickness, so he there fitted the Parliamentmen with all things convenient for their entertainment: And his Majesty himself being in his own heart sincere and free from all Ends upon his people, which the Searcher of hearts best knoweth, he little expected that any misconstruction of his actions would have been made, as he there found. But when the Parliament had been a while assembled, and his Majesties affairs opened unto them, and a further Supply desired, as necessity required, he found them so slow, and so full of delays and diversions in their Resolutions, that before any thing could be determined, the fearful Contagion daily increased and was dispersed into all the parts of this Kingdom, and came home even to their doors where they assembled. His Majesty therefore rather preferred the safety of his people from that present and visible danger, then the providing for that which was more remote, but no less dangerous to the State of this Kingdom, and of the affairs of that part of Christendom which then were, and yet are in friendship and alliance with his Majesty. And thereupon his Majesty not being then able to discern when it might please God to stay his hand of Visitation, nor what place might be more secure then other at a time convenient for their reassembling, his Majesty dissolved that Parliament.

That Parliament being now ended, his Majesty did not therewith cast off his Royal care of his great and important affairs; but by the advice of his Privy-Council, and of his Council of War, he continued his preparations, and former resolutions; And therein not only expended those monies which by the two Subsidies aforesaid were given unto him for his own private use, whereof he had too much occasion as he found the state of his Exchequer at his first entrance, but added much more of his own, as by his credit, and the credit of some of his Servants he was able to compass the same. At last, by much disadvantage, by the retarding of provisions and uncertainty of the means, his Navy was prepared and set to Sea, and the Designs unto which they were sent and specially directed, were so probable and so well advised, that had they not miscarried in the execution, his Majesty is well assured they would have given good satisfaction not only to his own people, but to all the world, that they were not lightly or unadvisedly undertaken and pursued. But it pleased God, who is the Lord of hosts, and unto whose providence and good pleasure his Majesty bows and shall submit himself and all his endeavours, not to give that success which was desired: And yet were those Attempts not altogether so fruitless as the envy of the Times had apprehended, the Enemy receiving thereby no small loss, nor our party no little advantage. And it would much avail to further his Majesties great affairs, and the peace of Christendom, which ought to be the true end of all Policy, were these first beginnings, which are most subject to miscarry, well seconded and pursued, as his Majesty intended, and as in the judgment of all men conversant in Actions of this nature, were fit not to have been neglected.

These

1 Caroli.

These things being thus acted, and God of his infinite goodness beyond expectation allwaging the rage of the Pestilence, and in a manner of a suddain restoring health and safety to the Cities of London and Westminster, which are the fittest places for the resort of his Majesty, his Lords and Commons to meet in Parliament; His Majesty in the depth of winter, no sooner descried the probability of a safe assembling of his people, and in his princely wisdom and providence foresaw, that if the opportunity of seasons should be omitted, preparations both defensive and offensive could not be made in such sort as was requisite for their common safety, but be advised and resolved of the summoning of a new Parliament, where he might freely communicate the necessities of the State, and by the Council and advice of the Lords and Commons in Parliament, who are the Representative body of the whole Kingdom, and the great Council of the Realm, might proceed in these enterprises and be enabled thereunto, which concern the common good, safety and honor both of Prince and people; and accordingly the 17th of February last, a new Parliament was begun. At the first meeting his Majesty did forbear to press them with any thing which might have the least appearance of his own interest, but recommended unto them the care of making of good Laws, which are the ordinary Subject for a Parliament.

His Majesty believing that they could not have suffered many days, much less many weeks to have passed by, before the apprehension and care of the common safety of this Kingdom, and the true Religion professed and maintained therein, and of our Friends and Allies, who must prosper, or suffer with us, would have led them to a due and a timely consideration of all the means which might best conduce to those ends; which the Lords of the higher House, by a Committee of that House did timely and seasonably consider of, and invited the Commons to a Conference concerning that great business: At which Conference there were opened unto them, the great occasions which pressed his Majesty; which making no impression with them, his Majesty did, first by Message, and after by Letters, put the House of Commons in minde of that which was most necessary, the defence of the Kingdom, and due and timely preparations for the same.

The Commons House after this, upon the 27 of March last, with one unanimous consent at first agreed to give unto his Majesty three intire Subsidies, and three Fifteens for a present supply unto him, and upon the 26 of April after, upon second Cogitations they added a fourth Subsidy, and ordered the dayes of payment for them all, whereof the first should have been on the last day of this present June. Upon this, the King of Denmark and other Princes and States being engaged with his Majesty in this common Cause, his Majesty acted his occasions according to the times which were appointed for the payment of those Subsidies and Fifteens, and hasted on the Lords Committees, and his Council at War, to perfect their Resolutions for the ordering and setling of his designs, which they accordingly did, and brought them to that maturity, that they found no impediment to a final conclusion of their Councels, but want of money to put things into action. His Majesty hereupon, who had with much patience expected the real performance of that which the Commons had promised, finding the time of the year posting away, and having intelligence not onely from

An. 1626. from his own Ministers and Subjects in Forein parts, but from all parts of Christendom, of the great and powerfull preparations of the King of Spain, and that his Design was upon this Kingdom, or the Kingdom of Ireland, or both, (and it is hard to determine which of them would be of worst consequence) he acquainted the House of Commons therewith, and laid open unto them truly and clearly, how the state of things then stood, and yet stand, and at several times, and upon several occasions reiterated the same: But that House being abused by the studied and ill-couched passions of a few Members of the House, for private and personal ends ill-becoming publick persons, trusted by their Country, as then they were, not onely neglected, but wilfully refused to hearken to all the gentle admonitions which his Majesty could give them, and neither did nor would intend any thing but the prolecution of one of the Peers of this Realm, and that in such a disordered manner, as being let at their own instance into a legal way, wherein the proofs on either part would have ruled the cause, which his Majesty allowed, they were not therewith content, but in their unimperate passions, and desires to seek for Errors in another, fell into a greater Error themselves, and not onely neglected to give just satisfaction to his Majesty in several Cases which happened concerning his Regality, but wholly forgot their engagements to his Majesty for the publick defence of the Realm; whereupon his Majesty wrote the forementioned Letter to the Speaker, dated the ninth day of June 1626.

Notwithstanding which Letter read in the house, being a clear and gracious Manifest of his Majesties Resolutions, they never to much as admitted one Reading to the Bill of Subsidies, but instead thereof they prepared and voted a Remonstrance or Declaration, which they intended to present to his Majesty, containing (though palliated with glosing terms) almost many dishonorable aspersions upon his Majesty, and upon the sacred memory of his deceased Father, as also delatory excuses for their not proceeding with the Subsidies, adding thereto also coloured conditions crossing thereby his Majesties intention, which his Majesty understanding, and esteeming (as he had cause) to be a denial of the promised Supply, and finding that no admonitions could move, no reasons or perswasions could prevail when the time was so far spent, that they had put an impossibility upon themselves to perform their promises, when they esteemed all gracious Messages unto them to be but interruptions: his Majesty upon mature advisement discerning that all further patience would prove fruitless, on the fifteenth day of this present moneth he hath dissolved this unhappy Parliament: The doing whereof, as it was to his Majesty an unexpressible grief, so the memory thereof doth renew the hearty sorrow which all his good and well affected Subjects will compassionate with him.

These passages his Majesty hath at the more length and with the true Circumstances thereof expressed and published to the world, least that which hath been unfortunate in it self, through the malice of the Authors of so great a mischief, and the malevolent report of such as are ill-affected to this State, or the true Religion here professed, or the fears or jealousies of Friends and dutifull Subjects, might be made more unfortunate in the consequences of it, which may be of worse effect

2 Caroli.

effect then at the first can be well apprehended; and his Majesty being best privy to the integrity of his own heart, for the constant maintaining of the sincerity and unity of the true Religion professed in the Church of England, and to free it from the open contagion of Popery, and secret infection of Schism, of both which by his publick Acts and Actions he hath given good testimony, and with a single heart, as in the presence of God, who can best judge thereof, purposeth resolutely; and constantly to proceed in the due execution of either; and observing the subtilty of the adverse party, he cannot but believe that the hand of Joab hath been in this disaster, that the common Incendiaries of Christendom have subtilly and secretly insinuated those things which unhappily (and as his Majesty hopeth, beyond the intentions of the Actors) have caused these divisions and distractions: And yet notwithstanding, his most excellent Majesty, for the comfort of his good and well-affected Subjects, in whose loves he hath repose himself with confidence, and esteemeth it as his greatest riches; for the assuring of his Friends and Allies, with whom, by Gods assistance, he will not break in the substance of what he hath undertaken; for the discouraging of his Adversaries, and the Adversaries of his Cause, and of his Dominions, and Religion, hath put on this resolution, which he doth hereby publish to all the world, That as God hath made him King of this great people, and large Dominions, famous in former ages both by Land and Sea, and trusted him to be a Father and Protector both of their Persons and Fortunes, and a Defender of the Faith, and true Religion; so he will go on cheerfully and constantly in the defence thereof, and (notwithstanding so many difficulties and discouragements) will take his Scepter and Sword into his hand, and not expose the persons of the people committed to his charge, to the unsatiable desires of the King of Spain, who hath long thirsted after an Universal Monarchy, nor their Consciences to the yoke of the Pope of Rome. And that at home he will take that care to redress the just grievances of his good Subjects, as shall be every way fit for a good King.

And in the mean time his Majesty doth publish this to all his loving Subjects, that they may know what to think with truth, and speak with duty, of his Majesties actions and proceedings in these two last dissolved Parliaments.

Given at his Majesties Palace at Whitehall *this Thirtieth day of* June, *in the second year of his Majesties Reign of* Great-Britain, France *and* Ireland.

The King takes notice of the intended Remonstrance in a Proclamation.

Moreover the King published a Proclamation, taking notice of a Remonstrance drawn by a Committee of the late Commons House, and by them intended to have been presented to him, wherein he said are many things contained to the dishonor of himself, and his Royal Father of blessed memory, and whereby through the sides of a Peer of this Realm they wound their Soveraigns honor; as also that some Members of that House ill-affected to his service, to vent their own passions against that Peer, and to prepossess the world with an ill opinion of him, before his Cause were heard in a Judicial way, have beforehand scattered Copies of that

An. 1626.

that intended Declaration, thereby to detract from their Soveraign. Wherefore his Majesty for the suppressing of this insufferable wrong to himself, doth command upon pain of his indignation and high displeasure, all persons of whatsoever quality, who have, or shall have hereafter any Copies or Notes of the said Remonstrance, or shall come to the view thereof, forthwith to burn the same, that the memory thereof may be utterly abolished, and may never give occasion to his Majesty to renew the remembrance of that, which out of his grace and goodness he would gladly forget. A

Another Proclamation against preaching or disputing the Arminian Controversies, pro or con.

In another Proclamation the King declaring his Religious care of the Peace of this Church and Commonwealth of *England*, and other his Dominions, and taking notice that in all ages great disturbances both to Church and State, have ensued out of small beginnings, when the seeds of contention were not timely prevented, and finding that of late some Questions and Opinions seem to have been broached in matters of Doctrine and Tenents of our Religion, at first onely intended against Papists, have afterwards by the sharp and indiscreet handling of some of either party, given much offence to the sober and well grounded Readers, and raised some hopes in the Roman Catholicks, that by degrees the Professors of our Religion may be drawn first to Schism, and afterwards to plain Popery. His Majesty in the integrity of his own heart, and singular providence for the peaceable Government of that people, which God hath committed to his charge, hath thought fit, by the advice of his reverend Bishops, to declare and publish, not onely to his own people, but also to the whole world, his utter dislike of all those, who to shew the subtilty of their Wits, or to please their own humors, or vent their own passions, shall adventure to start any new opinions, not onely contrary to, but differing from the sound and Orthodox grounds, of true Religion, established in the Church of *England*; and also to declare his full and constant resolution, that neither in Doctrine nor Discipline of the Church, nor in the Government of the State, he will admit of the least innovation, but by Gods assistance will so guide the Scepter of these Kingdoms, as shall be most for the comfort and assurance of his sober, religious and well-affected Subjects, and for the repressing and severe punishing of the insolencies of such, as out of any sinister respects, or disaffection to his Majesties Person or Government, shall dare either in Church or State, to disturbe the Peace thereof; wherefore he doth straitly charge and command all his Subjects of his Realms of *England* and *Ireland*, of what degree soever, especially those who are Church-men, from hence-forth to carry themselves so wisely, warily and conscionably, that neither by Writing, Preaching, Printing, Conferences, or otherwise they raise, publish or maintain any other Opinions concerning Religion, then such as are clearly warranted by the Doctrine, and Discipline of the Church of *England*, established by Authority. And enjoyneth his reverend Archbishops and Bishops in their several Dioceses speedily to reclaim and repress all such spirits, as shall in the least degree attempt to violate this bond of Peace; And all the Ministers of Justice were required to execute his Majesties pious, and royal pleasure herein expressed; and if any shall take the boldness to neglect this gracious Admonition, his Majesty will proceed against such offenders with that severity, as their contempt shall deserve, that by their exemplary punishment others may be warned, and that those that be studious of the peace and prosperity of this Church, and

Com-

Commonwealth, may bleſs God for his Majeſties pious, religious, wiſe, juſt and gracious Government. *2 Caroli.*

The effects of this Proclamation how equally ſoever intended, became the ſtopping of the *Puritans* Mouths, and an uncontrouled Liberty to the Tongues and Pens of the *Arminian* party.

A Shortly after an Information was preferred by the Kings ſpecial command in the *Star-Chamber*, againſt the Duke of *Buckingham*, for high Offences and Miſdemeanors; wherein he was charged (amongſt other things) with the particulars mentioned in the laſt Article exhibited againſt him, by the Houſe of Commons, concerning the Plaiſter applied to King *James*. To which, the Duke put in his Anſwer, and divers Witneſſes were examined. But the cauſe came not to a judicial hearing in the Court, as it is afterwards expreſſed. The King commands an Information to be preferred againſt the Duke in *Star-Chamber*.

B And now the King taking into conſideration the preſent ſtreights and inconveniencies, into which the Revenue of the Crown was faln; and the preſſing neceſſity of his Affairs, did by the advice and inſtance of his Council, reſolve and declare, That all men of what quality and condition ſoever, ſhall from henceforth upon pain of his diſpleaſure, forbear for two years ſpace to preſent or ſolicite any Suit for any thing prohibited in the Book of *Bounty*, publiſhed in King *James* his time, or any other things that ſhall import the Diminution of his Majeſties Revenue. The King forbids to ſolicite any Suit prohibited in the Book of *Bounty*.

C And for the advancement of the ſaid Revenue ariſing by Cuſtoms, Subſidies, and Impoſts upon all Goods and Merchandizes exported and and imported.

The Privy Council declared, That it hath been conſtantly continued for many ages, and is a principal and moſt neceſſary part of the Revenue of the Crown, and that in the two laſt Parliaments it hath been thought upon, but could not be ſetled by their Authority by reaſon of their diſſolution, before the matters therein treated could be brought to perfection: Neverthleſs, that it was then intended to have been confirmed by Parliament, as it hath been from time to time by many Deſcents and Ages. The Council order all Cuſtoms to be paid.

D Whereupon they Ordered, That all ſuch Duties and Merchandizes ſhall be levied and paid: And they adviſed the King, That the Attorney General prepare for his Majeſties Signature, an Inſtrument which may paſs under the Great Seal of *England*, to declare his pleaſure therein, until by Parliament, as in former times, it may receive an abſolute ſettlement: Which paſſed the Great Seal accordingly.

E The Forfeitures ariſing to the Crown by the execution of the Laws againſt Prieſts, Jeſuites, and Popiſh Recuſants, were dedicated to the vaſt and growing charge of the Deſigns in hand. And Complaint being made againſt Inferior Officers, whoſe ſervice was herein employed, that they had miſdemeaned themſelves, to the oppreſſing of Recuſants, without advantage to the King. Commiſſioners of honorable Quality were appointed for the regulating of theſe proceedings, yet no Liberty given to the encouragement or countenance of ſuch dangerous perſons, as might infect the People, or trouble the Peace of Church and State. And Forfeitures ariſing from Recuſants.

F The King therefore Grants a Commiſſion under the Great Seal, directed to the moſt Reverend Father in God, *Toby*, Archbiſhop of *York*; Sir *John Savile* Knight, Sir *George Manners*, Sir *Henry Slingsby*, Sir *William* A Commiſſion to compound with Recuſants.

An. 1626. *William Ellis* Knights, and to divers other Knights and Gentlemen, and therein recites,

That his Majesty hath received credible Information of the great losse and damages which the Kings Subjects living in Maritime Townes, especially in the Northern parts, do suffer by depredations, attempts, and assaults at Sea from Forreign Enemies, whereby Trade from those parts are interrupted, and the City of London much endamaged for want of Coals and other Commodities, usually transported thither from Newcastle upon Tine: For redress of which evil, his Majesty hath think fit to appropriate and convert all such Debts, sums of Money, Rents, Penalties, and Forfeitures of all Recusants inhabiting in the Counties of York, Durham, Northumberland, Cumberland, Westmorland, Lancaster, Nottingham, Derby, Stafford, and Chester, which at any time have grown due since the Tenth year of King James, and are not yet satisfied, or which hereafter shall grow due by reason of any Law or Statute against Recusants, to be employed for the maintenance, provision, arming, manning, victualling, and furnishing of Six able Ships of War for guarding and defending the Coast of this Realm, from the furthest North-East point of the Sea, unto the mouth of the River of Thames. His Majesty further expressing in the said Commission, That his Subjects who are owners of Coal-Pits, the Oast-men of Newcastle upon Tine, Owners of Ships, and Merchants, Buyers and Sellers of Newcastle Coals, have bin and are willing to contribute and pay for every Chaldron for the uses aforesaid. Wherefore his Majesty upon the considerations before-mentioned, hath by his said Commission give power unto the said Commissioners, or any four or more of them to treat and make Composition and Agreement with the said Recusants, inhabiting within the said Counties, for Leases of all their Manors, Lands, Tenements, &c. within those Counties for any term of years, not exceeding One and forty years; and for all Forfeitures due since the Tenth year of King James for their Recusancy, in not going to Church to hear Divine Service, according to the Laws and Statutes of this Realm, under such Condition and Immunities, as they or any four of them shall see meet and convenient, according to such Instructions as his Majesty hath or shall give for that purpose; his Majesty rather desiring their Conversion then Destruction. And such Leases his Majesty hath declare, made to the said Recusants themselves, or to any persons for their use, shall be good and effectual, any Law or Statute to the contrary notwithstanding.

And by the said Commission Sir *John Savile* was appointed Receiver of all such sums of Money as shall be paid upon these Leases, and Mr. *Alexander Davison* of the Town of *Newcastle* upon *Tine*, Merchant Adventurer, was appointed to receive out of the voluntary and free-will Contribution of the Owners, Buyers, and Sellers of Coals, the Six pence *per* Chaldron of Coals. In pursuance of this Commission, the Recusants did make their Composition upon very easie terms, as was afterwards complained of in Parliament.

A Proclamation to make the Kings Revenue certain.

A Proclamation was published, declaring the Kings Resolution to make his Revenue certain, by granting his Lands, as well holden by Copy, as otherwise, to be holden in Fee-farm.

To

2 *Caroli.*

To the Nobles, the King ſent particularly to let them know, That according to the Preſidents of former times, wherein the Kings and Queens of *England*, upon ſuch extraordinary occaſions, have had recourſe to thoſe Contributions which aroſe from the Subjects in general, or to the private helps of ſome that were well affected; he doth now expect from them ſuch a large and chearful teſtimony of their Loyalty, as may be acceptable to himſelf, and exemplary to his people.

The King ſends to the Nobles to lend him liberally.

A His Majeſty demanded of the City of *London* the Loan of an Hundred thouſand pounds. But the peoples excuſes were repreſented to the Council Table by the Magiſtrates of the City: Immediately the Council ſent a very ſtrict command to the Lord Major and Aldermen, wherein they ſet forth the Enemies ſtrong preparations as ready for an Invaſion, and the Kings great neceſſities, together with his gratious and moderate Propoſals in the ſum required, and the frivolous pretences upon which they excuſe themſelves: Wherefore they require them, all excuſes being B ſet apart, to enter into the buſineſs again, and to manage the ſame, as appertaineth to Magiſtrates ſo highly intruſted, and in a time of ſuch neceſſities, and to return to his Majeſty a direct and ſpeedy Anſwer, that he may know how far he may relie upon their Faith and Duty; or in default thereof, may frame his Counſels as appertaineth to a King in ſuch extream and important occaſions.

He demands of the City, the Loan of One hundred thouſand pounds.

Moreover, a peculiar charge was laid upon the ſeveral Ports and Maritime Counties to furniſh and ſet out Ships for the preſent ſervice. The C Privy Council expreſſing his Majeſties care and providence to guard his own Coaſts, againſt attempts from *Spain* or *Flanders*, by arming as well the Ships of his Subjects, as of his own Navy, made a diſtribution to every Port, that with the Aſſiſtance and Contribution of the Counties adjoyning, they prepare ſo many Ships as were appointed to them ſeverally; and in particular the City of *London* was appointed to ſet forth Twenty of the beſt Ships that lay in the River, with all manner of Tackle, Sea-ſtores, and Ammunition, Manned and Victualled for Three D Moneths.

The Port Towns are to furniſh Ships.

The Deputy Lieutenants, and Juſtices of the Peace of *Dorſet*, having received the Kings Commandment for the ſetting forth of Ships from the Ports of *Pool*, *Weymouth*, and *Lime*, with the aſſiſtance of Contribution from the Counties adjoyning, preſented to the Council Table an excuſe in the behalf both of the Ports and County, and pleaded, That the Caſe was without Preſident.

The Ports of *Dorſetſhire* ſend an excuſe.

The Council gave them a check, for that inſtead of Conformity they E diſputed the Caſe, letting them know, That State occaſions, and the defence of the Kingdom in times of extraordinary danger, were not to be guided by ordinary Preſidents.

In like manner the Lord Major and Commonalty of *London* petitioned the Council for an Abatement of the Twenty Ships rated upon them, unto Ten Ships and two Pinnaces, alleadging diſability; whereunto the Council gave this following Anſwer, That the former Commandment was neceſſary, the preſervation of the State requiring it; and F that the charge impoſed on them was moderate, as not exceeding the value of many of their private eſtates: That Petitions and Pleadings to this Command, tend to the danger and prejudice of the Commonwealth, and are not to be received: That as the Commandment was given to all in general, and every particular of the City; ſo the State will require an accompt both of the City in general, and of every particular.

The City of *London* deſire an Abatement of their Ships.

Are checkt by the Council.

An. 1626.

And whereas they mention Presidents, they might know, that the Presidents of former times, were Obedience, not Direction; and that Presidents were not wanting for the punishment of those that disobey his Majesties Commands, signified by that Board, which they hope shall have no occasion to let them more particularly understand.

Hereupon the Citizens were glad to submit, and declared their consent to the Kings Demands, and by Petition to the Council had the favor to nominate all the Officers of those Twenty Ships, the Captains onely excepted, the nomination of whom appertained to the Lord High Admiral of *England*. A

Privy Seals issued out.

Then there were likewise issued forth Privy Seals to several persons, to others the way of Benevolence was proposed.

And because the late Parliament resolved to have given the King Four Subsidies and Three Fifteens, the sums which the King required, were according to that proportion. And to prevent misunderstandings, it was declared unto the Countrey, That the Supplies now demanded were not the Subsidies and Fifteens intended to be given by the Parliament, but meerly a free gift from the Subject to the Soveraign, upon such weighty and pressing occasions of State. B

The Justices of Peace in the several Counties were directed by the Privy Council to send for persons able to give, and to deal with them singly, by using the most prevailing perswasions.

A Fast observed.

Amidst these Preparations, the Kingdom being exposed to dangers, both Forein and Domestick; a general Fast was observed on the Fifth of *July*, in the Cities of *London* and *Westminster*, and places adjacent; and on the Second of *August* throughout the Kingdom, to implore a blessing upon the endeavors of the State, and the diverting of those judgments which the sins of the Land deserve and threaten. C

Commissions to Deputy Lieutenants to Muster, Try, and Array men.

And for the defence of this Realm, threatned with a powerful Invasion, extraordinary Commissions were given to the Lords Lieutenants of the several Counties, to Muster the Subjects of whatsoever degree or dignity, that were apt for War, and to try and array them, and cause them to be armed according to their degrees and faculties, as well Men of Arms as other Horsmen, Archers and Footmen, and to lead them against publick Enemies, Rebels, and Traytors, and their adherents, within the Counties of their Lieutenancy, to repress, slay, and subdue them, and to execute Martial Law, sparing and putting to death according to discretion. D

And in case of Invasions, Insurrections, Rebellions, and Riots, without the limits of their respective Counties, to repair to the places of such Commotions, and as need required to repress them by battel, or any forcible means, or otherwise either by the Law of this Realm, or the Law Martial. E

Inhabitants withdrawn from Ports and Sea Towns, required to return.

In like manner, lest the deserting of the Coasts, Ports, and Sea Towns, should expose those places to become a prey, and invite the Enemy to an Invasion, the Inhabitants and those that had withdrawn themselves to Inland places, were required to return with their Families, and Retinues, and there to abide during those times of Hostility and Danger. F

Ships sent to the River of *Elbe*.

And for securing of the Coasts from *Spain* or *Flanders*, some of the Kings Ships were employed in the River *Elbe*, to prevent the furnishing of *Spain* from those parts with materials for shipping, which occasioned a great discontent in those of *Hamburgh*; for that their Neighbors

of

2 Caroli.

of *Lubeck*, and other Towns of the East Sea, were free from this restraint, insomuch that they resolved to force their passage by a Fleet of Fifty or threescore sail of Ships.

Whereupon the Lord Admiral informed the Council, that his Majesties charge at *Hamburgh* was expended to little purpose, except also the *Sound* could be shut up against all shipping that should carry prohibited Commodities, especially since the *Hambargers* send their Commodities by Land to *Lubeck*, to be transported from thence into *Spain*; and that the States, and the King of *Denmarks* Ships are departed from the *Elbe*, and have left the English alone.

Moreover the King prepared a Royal Fleet, which was now at *Portsmouth*, ready to put to Sea under the command of the Lord *Willoughby*, and given out to be designed for *Barbary*.

A Fleet prepared.

The King of *Denmark* having put forth a Declaration of the Causes and Grounds wherefore he took up Arms against the Emperor, declared one cause thereof to be,

The King of *Denmarks* Declaration why he takes up Arms against the Emperor.

FOrasmuch as the Elector Palatine by the procurement of the King of Great Britain, and him the King of Denmark had offered his Submission to his Imperial Majesty, and to crave Pardon, and thereupon was in hopes to have his Patrimony with the Dignities of his Ancestors restored: Yet notwithstanding the Emperor did still commit great spoiles and acts of hostility in his Countrey, giving no regard to the said Submission, and had much damnified the Lower Saxony by the Forces which he had brought thither under Tilly.

Whereupon (he sayes) the Princes of the Lower Saxony have desired the aid and assistance of him the King of Denmark, to settle the Peace and Liberty of Germany, who was resolved to take up Arms, and with whom he was resolved for to joyn, having the like assurance from the King of Great Britain, who had deeply engaged to assist in this War, for the restitution of the Elector Palatine.

Therefore the King of Denmark declares, That seeing all Prayers, Mediations, and Accessions cannot prevail with his Imperial Majesty, he will endeavor to procure a peace and settlement by force, which he should have been glad would have been ordained unto him upon fair terms of Treaty.

In the beginning of the year, divers Towns were taken by the King of *Denmark*, and some retaken by *Tilly*, but the Seven and twentieth of *August* decided the Controversie; on which day, the King of *Denmark* upon the approach of *Tilly*, (desiring to decline battel with the Emperors old Soldiers, many of his own men being new levied Soldiers) endeavored to make his retreat; but *Tilly* followed so close his Rear-guard, that he kept them in continual action, till the King of *Denmark* saw no remedy, but that he must either fight, or lose the Rear of his Army and Train of Artillery. Whereupon his Commanders advised him to resolve of a place of advantage, and face about, and give battel; which accordingly they did, and both Armies drew up neat *Luttern*; the *Denmark* Forces had the advantage of the Ground, *Tilly* being much scanted in the Rear of his Army, for want of ground to place his Reserves in. The *Dane* stood to the shock a while, but was presently put to his Retreat, and all his Infantry dispersed, Train of Artillery taken, and Two and twenty peeces of Cannon. He lost many great Commanders in the fight, and many were taken prisoners.

A Battel between the *Dane* and the Emperor.

In

An. 1626.

The overthrow of the King of *Denmark*, an Inducement to the raising of Moneys by Loan.

In the Moneth of *September*, the King being informed of the disaster that had befaln his Uncle (and principally also) the King of *Denmark*, whose engagement was chiefly for the cause of the Elector *Palatine*, commanded his Council to advise by what means and ways he might fitly and speedily be furnished with moneys suitable to the importance of the undertaking.

Hereupon, after a Consultation of divers days together, they came to this Resolution, That the urgency of Affairs not admitting the way of Parliament, the most speedy, equal, and convenient means were by a general Loan from the Subject, according as every man was assessed in the Rolls of the last Subsidy. A

A Declaration concerning Loan-Money.

Upon which Result, the King forthwith chose Commissioners for the Loan, and caused a Declaration to be published, wherein he alledged for this course of Supply, the Reasons set down at large in his late Declaration touching the Dissolution of the Parliament. Adding further, That the urgency of the occasion would not give leave to the calling of a Parliament, but assuring the People that this way should not be made a President for the time to come, to charge them or their Posterity to the prejudice of their just and antient Liberties enjoyed under his most Noble Progenitors; endeavoring thereby to root out of their mindes the suspition that he intended to serve himself of such ways, to the abolishing of Parliaments: And promising them in the word of a Prince, first, To repay all such sums of Money as should be lent without Fee or Charge, so soon as he shall in any ways be enabled thereunto, upon shewing forth the Acquittance of the Collectors, testifying the Receipt thereof. And secondly, That not one penny so borrowed, should be bestowed or expended but upon those Publick and General Services, wherein every of them, and the Body of the Kingdom, their Wives, Children, and Posterity, have their Personal and common Interest. B C

Private Instructions to the Commissioners for the general Loan.

Private Instructions were given to the Commissioners, how to behave themselves in this Negotiation.

As first, That they should themselves, for a good example to others, lend unto his Majesty the several sums of money required of them, testifying it by their names, with their own hands, That when they shall in his Majesties name require others to lend, they may discern the said Commissioners forwardness. D

Secondly, To take for their guide those Rates at which men were assessed in the Book of the last Subsidy, and to require the Loan of so much money, as the entire rate and value comes to, at which they are rated, and set; as (namely) he that is set at a Hundred pounds in Goods, to lend a Hundred marks; and he that is set at a Hundred pounds in Land, to lend a Hundred pounds in money; and so *per rata* for a greater or lesser sum. E

Thirdly, To use all possible endeavors to cause every man willingly and chearfully to lend, opening unto them the necessity and unavoidableness of this course, the Honor and Reputation of the Nation, the true Religion, and common safety of Prince and People, of our Friends and Allies engaged in the common Cause; that there is no time now of disputing, but of acting. F

Fourthly, That they appoint the days of payment to be within Fourteen days, and perswade such as shall be able, to pay it at one entire payment, the better to accommodate his Majesties occasion, otherwise to accept of the one half at Fourteen days, and the other

to

2 *Caroli.*

to be paid before the Twentieth of *December*, now next coming.

Fifthly, That they Treat apart with every one of those that are to lend, and not in the presence or hearing of any other, unless they see cause to the contrary. And if any shall refuse to lend, and shall make delayes, or excuses, and persist in their obstinacy, That they examine such persons upon Oath, whether they have been dealt withal to deny, or refuse to lend, or to make an excuse for not lending? Who hath dealt so
A with him, and what speeches or perswasions he or they have used to him, tending to that purpose? And that they shall also charge every such person in his Majesties name, upon his Allegiance, not to disclose to any other what his Answer was.

Sixthly, That they shew their discretion and affections by making choice of such to begin with, who are likely to give the best examples; and when they have a competent number of hands to the Roll or List of the Leaders, that they shew the same to others to lead them in like
B manner.

Seventhly, That they endeavor to discover, whether any publickly, or underhand, be workers or perswaders of others to dissent from, or dislike of this course, or hinder the good disposition of others. And that, as much as they may, they hinder all discourse about it, and certifie to the Privy Council in writing the names, qualities, and dwelling places of all such refractory persons with all speed, and especially if they shall discover any Combination or Confederacy against these proceed-
C ings.

Eightly, That they let all men know whom it may concern, that his Majesty is well pleased upon lending these sums required, to remit all that which by Letters in his name was desired upon the late Benevolence for free Grant; and what ever hath been already paid upon that account, shall be accepted for part of this Loan; and if it exceed the sum desired, that the overplus shall be repaid without Fee or Charge, so likewise for Privy Seals, if any have been already paid: But if not, that
D the agreeing of the Loan of the sum required, be excused of the payment of the Privy Seal.

Ninethly, That they admit of no Suit to be made, or Reasons to be given for the abating of any sum, the time and instant occasion not admitting any such dispute, which would but disturbe and protract the Sheriff.

Lastly, The Commissioners were required and commanded upon their Faith and Allegiance to his Majesty, to keep secret to themselves,
E and not to impart or disclose these Instructions to others.

To the Imposition of Loan, was added, The burthen of Billeting of Soldiers formerly returned from *Cadiz*, and the Moneys to discharge their Quarters were for the present levied upon the Countrey, to be repaid out of sums collected upon the general Loan.

Billeting of Soldiers.

The Companies were scattered here and there in the Bowels of the Kingdom, and governed by Martial Law: The King gave Commissions to the Lords Lieutenants and their Deputies, in case of Felonies, Rob-
F beries, Murders, Outrages, or Misdemeanors, committed by Mariners, Soldiers, or other disorderly persons joyning with them, to proceed according to certain Instructions, to the Tryal, Judgment, and Execution of such Offenders, as in time of War, and some were executed by those Commissions.

Commissions for Martial Law.

Nevertheless,

An. 1626.

Nevertheleſs, the Soldiers brake out into great diſordets; they maſtered the people, diſturbed the peace of Families, and the Civil Government of the Land; there were frequent Robberies, Burglaries, Rapes, Rapines, Murthers, and Barbarous Cruelties: Unto ſome places they were ſent for a puniſhment; and where ever they came, there was a general outcry. The High-ways were dangerous, and the Markets unfrequented; they were a terror to all, and an undoing to many.

The Lords to advance the Loan.

Divers Lords of the Council were appointed to repair into their ſeveral Countreys, for the advancement of the Loan, and were ordered to carry a Liſt of the names, as well of the Nobility and Privy Counſellors, as of the Judges, and Serjeants at Law, that had ſubſcribed to lend, or ſent in money for the Publick ſervice, to be a Patern and leading Example to the whole Nation. But Sir *Randolph Crew* ſhewing no zeal for the advancing thereof, was then removed from his place of Lord Chief Juſtice, and Sir *Nicholas Hide* ſucceeded in his room: A perſon, who for his parts and abilities, was thought worthy of that preferment, yet nevertheleſs came to the ſame with a prejudice, coming in the place of one ſo well beloved, and ſo ſuddenly removed; but more eſpecially by reaſon the Duke appeared in his advancement, to expreſs a grateful Acknowledgment to that Knight, for the care and pains he took in drawing the Dukes Anſwer to the Impeachment in Parliament againſt him.

Sir *Randolph Crew* removed from his place for not furthering the Loan.

This buſineſs of the Loan occaſioned a Complaint to the Lords of the Council, againſt the Biſhop of *Lincoln*, for publickly ſpeaking words concerning it, which was conceived to be againſt the King and Government.

Whereupon Sir *John Lamb*, and Dr. *Sibthorpe*, informed the Council to this purpoſe, That many were grieved to ſee the Biſhop of *Lincoln* give place to unconformable Miniſters, when he turned his back to thoſe that were conformable; and how the *Puritans* ruled all with him, and that divers *Puritans* in *Leiceſterſhire* being Convented, his Lordſhip would not admit proceedings to be had againſt them.

Informations ſent to the Council Table againſt the Biſhop of *Lincoln*.

That Dr. *Sibthorpe* being deſired to ſtay at *Leiceſter* this year, as Commiſſary for the High Commiſſion there, the Countrey being much over-ſpread with *Puritaniſm*, Sir *John Lamb* and the ſaid Doctor, did inform the Biſhop of *Lincoln*, then at *Bugden*, what Factious *Puritans* there were in the County, who would not come up to the Table to receive the Communion kneeling; and that there were unlawful Faſts and Meetings kept in the County; and one Faſt that held from nine in the Forenoon, till eight at night; and that Collections for moneys were made without Authority, upon pretence for the *Palatinate*: And therefore they deſired leave from the Biſhop to proceed againſt thoſe *Puritans Ex Officio*. The ſaid Biſhop replied, He would not meddle againſt the *Puritans*, for his part he expected not another Biſhoprick; they might complain of them, if they would, to the Council Table; for he was under a Cloud already, and he had the Duke of *Buckingham* for his Enemy; and he would not draw the *Puritans* upon him, for he was ſure they would carry all things at laſt: Beſides, he ſaid, the King in the Firſt year of his Reign, had given Anſwer to a Petition of the Lower Houſe, in favor of the *Puritans* *.

The Biſhop refuſes to proceed *Ex Officio* againſt the *Puritans*.

* Meaning the Petition againſt Recuſants at *Oxford*.

It appeared alſo by the Information of others who were preſent at the Conference at *Bugden*, That Sir *John Lamb*, and Dr. *Sibthorpe*, did notwithſtanding the Biſhops averſneſs, again preſs the Biſhop to proceed againſt

2 *Caroli.*

against the *Puritans* in *Leicesterſhire*; the Biſhop then asked them what manner of people they were, and of what condition? For his part he knew of none. To which Sir *John Lamb* replied (Dr. *Sibthorpe* being preſent) That they ſeem to the World to be ſuch as would not Swear, Whore, nor Drink, but yet would Lie, Cozen, and Deceive: That they would frequently hear two Sermons a day, and repeat the ſame again too; and afterwards pray, and ſometimes faſt all day long. Then the Biſhop A asked, whether thoſe places where thoſe *Puritans* were, did lend money freely upon the Collection of the Loan? To which Sir *John Lamb* and Dr. *Sibthorpe* replied, That they did generally reſolve to lend freely: Then ſaid the Biſhop, no man of diſcretion can ſay, That that place is a place of *Puritans*: For my part (ſaid the Biſhop) I am not ſatisfied to give way to proceedings againſt them. At which Dr. *Sibthorpe* was much diſcontented, and ſaid, He was troubled to ſee that the Church was no better regarded.

Puritans deſcribed by Sir *John Lamb.*

B Theſe Informations being tranſmitted to the Council Table, were ordered to be ſealed up and committed to the Cuſtody of Mr. *Trumbal*, one of the Clerks of the Council; nevertheleſs, the Biſhop of *Lincoln* uſed ſuch means as he got a Copy of them.

Information in *Star-Chamber* againſt the Biſhop of *Lincoln.*

For which, and ſome other matters, an Information was afterwards preferred againſt him in the *Star-Chamber*. Of which more at large, when we come in our next Volume to treat of the great and high proceedings of that Court.

C Biſhop *Laud*, not long before this Paſſage with the Biſhop of *Lincoln*, was informed, That the Biſhop of *Lincoln* endeavored to be reconciled to the Duke; and that night that he was ſo informed, he dreamed, *That the Biſhop of* Lincoln *came with Iron Chains, but returned freed from them: That he leaped upon a Horſe, departed, and he could not overtake him.*

Biſhop *Laud* his Dream.

The Interpretation of this Dream may (not unfitly) be thus applied. His *Chains* might ſignifie the impriſonment of the Biſhop of *Lincoln* D afterwards in the *Tower*; his returning free, to his being ſet at Liberty again at the meeting of the Parliament; his leaping on Horſ-back, and departing; to his going into *Wales*, and there commanding a Troop in the Parliaments Service; and that Biſhop *Laud* could not overtake him, might portend that himſelf ſhould become a Priſoner in the ſame place, and be rendred thereby incapable to follow, much leſs to overtake him.

The interpretation thereof.

At this time the King had Six thouſand Foot Soldiers in the Service E of the *United Provinces*, under the Command of Sir *Charls Morgan*, Sir *Edward Herbert*, Sir *John Burlacy*, Sir *James Levilton*, &c. for the aſſiſtance of the States, againſt the increaſing power of *Spinola*. Upon the preſent occaſion, theſe Forces were called off from the States ſervices, to joyn with the King of *Denmark*, under the Command of Sir *Charls Morgan*, againſt the common enemy, the King of *Spain*, and his adherents.

Six thouſand Engliſh in the Service of the *United Provinces.*

Some few moneths after, One thouſand three hundred foot more F were embarqued at *Hull*, to be tranſported by Captain *Conisby* to the Town of *Stoad* in *Germany*, and there to be delivered over to the charge of the aforeſaid Sir *Charls Morgan*, General of the Engliſh Forces in the ſervice of the King of *Denmark*; a perſon of known Valor, and fit for conduct of an Army.

Sir *Charls Morgan* General of the Engliſh forces.

An. 1627. Some do refuse the Loan, though others offered to lend the refusers money, so they would but subscribe.

But the Assessment of the general Loan did not pass currantly with the people; for divers persons refused to subscribe their names, and to lend after the rate propounded; and among others, certain of the Parish of *Clement Danes*, the *Savoy*, the *Dutchy*, and other parts within the Liberties of *Westminster*, who first alledged poverty: Whereunto reply was made, That if they would but subscribe, their ability should be enquired off before any thing were levied upon them; and in case they were found unable, they should be discharged, notwithstanding what they had under written; and unto some of them, the money demanded, was proffered to be given them: Nevertheless, they afterwards absolutely refused to subscribe their names, or to say, they were willing to lend, if able. Whereupon the Council directed their Warrant to the Commissioners of the Navy, to impress these men to serve in the Ships ready to go out in his Majesties service. A

They are ordered to be pressed for Soldiers.

The Non-Subscribers of higher Rank and Rate, in all the Counties, were bound over by Recognisance, to tender their appearance at the Council Table, and performed the same accordingly, and divers of them were committed to prison; but the common sort to appear in the Military-Yard near St. *Martins* in the *Fields*, before the Lieutenant of the Tower of *London*, by him to be there inrolled, among the Companies of Soldiers; that they who refused to assist with their Purses, should serve in their Persons for the common Defence. B

The Refusers to lend were severely deal with.

The same Loan being demanded of the Societies and Inns of Court, the Benchers of *Lincolns* Inn received a Letter of Reproof, from the Lords of the Council, for neglecting to advance the Service in their Society, and to return the names of such as were refractory. C

An. 1627. Dr. *Sibthorps* Sermon concerning the Loan.

AND for the advancement of the said Loan, Doctor *Sibthorpe* now publishes in Print, a Sermon Preached by him at *Northampton*, *February* the Two and twentieth, One thousand six hundred twenty and six, at *Lent* Assizes, entituled, *Apostolick Obedience*. This Book was Licenced by the Bishop of *London*, who did approve thereof, as a Sermon learnedly and discreetly Preached. It was dedicated to the King, and expressed to be the Doctors Meditations, which he first conceived upon his Majesties Instructions unto all the Bishops of this Kingdom, fit to be put in execution, agreeable to the necessity of the times; and afterwards brought forth upon his Majesties Commission, for the raising of moneys by way of Loan. D

His Text was *Romans* 13. 7. *Render therefore to all their dues.* Among other passages he had this, *And seriously consider, how as* Jeroboam *took the opportunity of the breach betwixt* Rehoboam *and his Subjects, to bring Idolatry into* Israel: *So the Papists lie at wait, if they could finde a Rent between our Soveraign and his Subjects (which the Lord forbid) to reduce Superstition into* England. *I speak no more then what I have heard from themselves, whilst I have observed their forwardness to offer double according to an Act of Parliament so providing, yea, to profess, That they would depart with the half of their Goods. And how, or why can this forwardness be in them, but in hope to cast the imputation of frowardness upon us? and so to seem (that which the Jesuite will not suffer them to be) loving and loyal Subjects.* E

Also the said Sermon holds forth, *That the Prince who is the Head, and makes his Court and Council, it is his duty to direct and make Laws;* Eccles. 8. 3 and 4. *He doth whatsoever pleases him. Where the word of the* F

King

3 Caroli.

King is, there is power; and who may say unto him, What doest thou?

And in another place, he saith, *If Princes command any thing which Subjects may not perform, because it is against the Laws of God, or of Nature, or impossible: Yet Subjects are bound to undergo the punishment, without either resistance, or railing, or reviling, and so to yield a Passive Obedience where they cannot exhibite an active one.*

A *I know no other case,* saith he, *but one of those three, wherein a Subject may excuse himself with Passive Obedience, but in all other he is bound to Active Obedience.*

It is not our purpose to repeat his Sermon, the Reader may at leisure inform himself more fully by the Printed Copy.

Doctor *Roger Manwaring* promoted the same business in two Sermons Preached before the King and Court at *Whitehal*, wherein he delivered for Doctrine to this purpose.

Dr. *Manwaring* in two Sermons promotes the Loan.

B "That the King is not bound to observe the Laws of the Realm "concerning the Subjects Rights and Liberties, but that his Royal "Will and Command in imposing Loans and Taxes, without common "consent in Parliament, doth oblige the Subjects Conscience upon pain "of eternal damnation. That those who refused to pay this Loan, "offended against the Law of God, and the Kings Supream Authority, "and became guilty of impiety, disloyalty, and Rebellion: And that "the Authority of Parliament is not necessary for the raising of Aids, C "and Subsidies; and that the slow proceedings of such great Assemblies, "were not fitted for the Supply of the States urgent Necessities, but "would rather produce sundry impediments to the just designs of "Princes.

The Papists at this time were forward and liberal on this occasion, insomuch, that it was said in those times, That in the point of Allegiance then in hand, the Papists were exceeding Orthodox, and the *Puritans* were the onely Recusants.

D Distastes and Jealousies had for a while been nourished between the Courts of *England* and *France*, which seemed to have risen from Disputes and Differences about the Government of the Queens family. By the Articles of Marriage it was agreed, That the Queen should have a certain number of Priests for her Houshold Chaplains, together with a Bishop who should exercise all Ecclesiastical Jurisdiction in matters of Religion.

Distastes and jealousies between *England* and *France*.

E These with other Romish Priests within this Realm, began to practise and teach, That the Pope upon the Marriage Treaty, assumed to himself, or his Delegates, the Jurisdiction of the Queens whole family, especially the Institution and Destitution of the Ecclesiasticks, and that the King of *England* had no power to intermeddle therein, because he was an Heretick, the Pope threatning to declare those to be Apostates that should seek their establishment from the King. Likewise the Queen insisted to have the ordering of her family, as her self pleased, and the naming of her Officers and Servants; and being therein crossed, did somewhat distaste the King, and unkindness grew between F them.

These things the King represented to his Brother of *France*, imputing the same to the Crafty and Evil Counsels of her Servants, rather then to her own inclination; And so declared, he could no longer bear with those that were the known causes and fomenters of these disturb-

An. 1627. ances, but would presently remove them from about his Wife, if there were nothing more then this, *That they had made her go to* Tiborne *in devotion to pray there.* Which action (as it was reported, his Majesty said) can have no greater invective made against it, then the bare relation; yet his Majesty acknowledged, That the deportment of some of them, was without offence; but others of them had so much abused his patience, and affronted his Person (reflecting most upon Madam *Saint George*) that he was resolved no longer to endure it. A

The French dismissed.

So the King dismissed and sent back into *France* the Queens Retinue of French (first paying all that was due for Wages or Salaries) and gave the King of *France* an account of the action by the Lord *Carlton*, for the preserving of their mutual Correspondency and Brotherly Affection.

Ill resented in *France*.

But this Dismission was ill resented in *France*, and Audience denied to the Lord *Carlton*, and the matter was aggravated high at the French Court, as a great violation of the Articles of the Marriage. B

And those persons who returned into *France* (being for the most part yonger-brothers, and had parted with their Portions at home, in expectation of raising their Fortunes in the service of the Queen of *England*) did heighten the discontent.

This jarring with *France*, breaks forth to a publick War, and King *Charles* is at once engaged against Two Great and Mighty Princes. C

Private Transactions to engage in a War against *France*.

It is not our purpose to relate the particulars of those private transactions which were here in *England*, concerning the preparing of a Fleet and Army, nor how the same was managed at first by an Abbot, who had relation to the Duke of *Orleance*, and had been disobliged by Cardinal *Richlieu*.

This Man was full of Revenge against the Cardinal, and labored much (and at last effected) the dismissing of the French about the Queen; his cheif end therein was, to put an affront upon *Richlieu*, and withal to heighten the differences between the Two Crowns of *England* and *France*; to which purpose he remonstrated to the Duke of *Buckingham*, the Commotions and Discontents that were in *France*, and how hardly the Protestants there were treated, notwithstanding the Edict of Peace procured by the Mediation of the King of Great *Britain*. D

This Abbots Negotiation with the Duke, procured the sending of *Denis* from the King of *England* to the Duke of *Rhoane*, who was drawn to engage to raise Four thousand Foot, and Two hundred Horse, upon the landing of the English Army in *France*, but not before. E

This private transaction was also managed by Mr. *Walter Montague*, but in another capacity: The Duke of *Sobize* and Monsieur *St. Blandland*, contributed their endeavors also to hasten the Fleet, and the rising of the Army in *England* against the French, for the relief of those of the Reformed Religion there.

The King of Great *Britains* Declaration concerning a War with *France*.

The King declared as a ground of his War with *France*, That the House of *Austria* (conspiring the ruine of all those of the Reformed Religion throughout Christendom, as (he said) plainly appeared in the affairs of *Germany*) had such an influence upon the Council of *France*, as to prevail with them to obstruct the landing of Count *Mansfields* F

3 *Caroli.*

Army, contrary to promiſe, with whom the French ſhould have joyned forces, for the relief of the *Palatinate* and the *German* Princes; which failer of performance in them, proved the ruine of that Army, the greateſt part whereof periſhed, and was by conſequence the loſs of the whole Proteſtant Party in *Germany*.

His Majeſty further declared, That having by his Mediation prevailed for a Peace between the French King and his Proteſtant Subjects, and
A engaged his word, That the Proteſtants ſhould obſerve the Articles of Agreement: Nevertheleſs, the King of *France* contrary to the ſaid Articles, blocked up their Towns, Gariſons, and Forts, and had committed many ſpoils upon them, when they had done nothing in violation of the Edict of Peace. And that the King of *France* had committed an example of great injuſtice in full Peace, to ſeiſe upon One hundred and twenty Engliſh Ships, with all their Merchandiſe and Artillery; for which Reaſons, the King was reſolved to ſend a powerful Army and
B Navy to require ſatisfaction.

The Duke of *Buckingham* was made Admiral of this Fleet, and Commander in chief of the Land forces, and had a Commiſſion to that purpoſe, wherein it is expreſſed,

The Duke of *Buckingham* Admiral and General.

His Commiſſion.

That his Majeſty, hath taken into his Princely conſideration, the diſtreſſed eſtate of his dear Brother-in-law, and onely Siſter, the Prince and Princeſs Elector *Palatine*, and their Children, and finding himſelf in Nature and Honor nearly bound unto them; At their requeſt, and
C for their juſt Relief, in recovering their rightful Patrimony taken from them, by the Advice of his Privy Council, did the laſt year, prepare and ſet out to Sea, a Royal Fleet for Sea-ſervice; for performance of ſuch ſervices, as on his Brother-in-laws and Siſters behalf, his Majeſty had deſigned. And for the doing of thoſe deſigns, and for the honor and ſafety of his people, his Majeſty hath now prepared a new Fleet, which he intends with all convenient expedition to ſet out, to be employed as well by way of Offence as of Defence, as ſhall be moſt behoveful for his ſaid Brother-in-Law
D his ſervice; and therefore doth by the ſaid Commiſſion appoint the Duke of *Buckingham* to be Admiral, Captain-General, and Governor of his ſaid Royal Fleet, with ſuch Soldiers and Land-forces as ſhall be conveyed therein, for the accompliſhment of ſuch execution and employment as they ſhall be deſigned unto, according to ſuch private Inſtructions as his Majeſty ſhall give unto the ſaid Duke. His Majeſty by the ſaid Commiſſion giving to the Duke power to lead and conduct the ſaid Navy and Army, and with them to fight againſt his ſaid Brother-in-law, and
E Siſters enemies, or the enemies of the Crown of *England*; and to advance to the Order of Knighthood, ſuch perſons employed in the Fleet, Forces, and Supplies, as by their Valor, Deſert, and good Service in this Expedition ſhall be thought fit in his the ſaid Dukes diſcretion to merit the ſame, and as to the Office of Captain-General doth appertain.

On the Seven and twentieth of *June* the Duke ſet ſail from *Portſmouth*, (in order to the Relief of the *Palatinate*) with the Fleet, conſiſt-
F ing of One hundred ſail of Ships, whereof Ten were of the Kings Royal Navy; having aboard about Six or ſeven thouſand Land-ſoldiers; and towards the latter end of *July* he appeared with his Fleet before *Rochel*, who once much longed for their coming, but now ſhut their Gates at their appearance.

The Duke ſets ſail with the Fleet and Army.

The *Rochellers* are fearful to admit the Engliſh.

Hereupon

An. 1627.

Yet call an Assembly and heard Sir *William Beechers* Message.

Hereupon the Duke of *Sobiez* went a shore with Sir *William Beecher* from the Duke of *Buckingham*, (Sir *William Beecher* being also accompanied with a Letter of Credence from his Majesty of Great *Britain*) they were at last admitted into the Town; and the Magistrates called an Assembly, and there Sir *William Beecher* declared unto them, That the Duke of *Buckingham* was come with a great Fleet and Army to their assistance, which his Master had sent out of a fellow-feeling of their sufferings, and to require from the King of *France* a performance of the Articles of Peace, made by the King of *Englands* Mediation, on the behalf of the Protestants in *France*. And further declared unto them, That if they do now refuse to give their assistance, by joyning forces with the English, he said he would, and did protest before God and Man, in the name of the King his Master, That his said Master was fully acquit of his engagement of Honor and Conscience for their Relief. A

The *Rochellers* still timerous.

But notwithstanding this Declaration, and *Sobiez* his earnest solicitation and endeavor, The Magistrates and wealthier sort of People in the Town, (being possessed with the fear of the King of *France* his Army, then upon a march against them; and there being a Court party also prevalent in the Town) could be drawn to give no other answer at that time, but this, That they did render all humble and hearty thanks to his Majesty of Great *Britain* for the care he had of them; and to the Duke, for his forwardness and readiness to do his best service for their good; but said, They were bound by Oath of Union, to do nothing but by the common and unanimous consent of the rest of the Protestant party in *France*: And therefore prayed the King of Great *Britain* to excuse them, in that they did suspend the Conjunction of Forces, till they had sent to the rest of the Protestant Towns, who were of the Union with them: And in the mean time, their Prayers and Vows should be for the happy progress of such actions as the Fleet and Army should undertake. B C

A well affected party in *Rochel*.

Notwithstanding this Answer, *Sobiez* had strong assurance from a well-affected party in the Town, That they could and would be able to preserve the same, for the encouragement of the English, and to assist them also with supplies from thence. D

The Duke communicates his design to *Sobiez*.

When *Sobiez* went from the Fleet into *Rochel*, with Sir *William Beecher*, the Duke of *Buckingham* was pleased to communicate his design to *Sobiez*, by reason of his knowledge of the Countrey, as well as for his interest in that Kingdom, to raise forces; that his full purpose and intention was to land his Army in the Isle of *Oleran*, near unto *Rochel*, and not at the Isle of *Rhee*, being a little further distant: Which *Sobiez* well approved of, as a thing feasible at the first entrance, the forces therein being few, and the Forts weakly manned and victualled; and besides, it was of advantage for the Oyls, Wines, and other Commodities therein; whereas the Isle of *Rhee* (as he said to the Duke) was furnished with a considerable force, both of Horse and Foot, which would make the landing there very difficult; and besides, they had a Citadel well fortified to retreat unto. E

The Duke lands his Army at the Isle of *Rhee*.

The Duke not staying for *Sobiez* his return from *Rochel*, alters his resolution, and directs his course to the Isle of *Rhee*, (*Toiras* the Governor thereof having before taken the alarum by the sight of the Fleet at Sea) marches with his forces to impede their landing, but mangre their opposition, and the Fort *La Prie*. Sir *John Burroughs*, Sir *Alexander Bret*, Sir *Charles Rich*, together with Monsieur *St. Branchard*, and other brave F

3 *Caroli.*

brave Commanders land firſt aſhore, and after them about Twelve hundred men, who were preſently encountred with the French horſe and foot, and a ſore fight happened thereupon, being a long time well maintained on both ſides, and many Commanders fell, both of the Engliſh and French, few of the Engliſh were unwounded, but at laſt the Engliſh forced their way, the enemy was conſtrained to retreat, and to permit the whole Army to land.

A ſcre fight at the landing

A In this combate Monſieur *St. Blanchard* was ſlain, whoſe loſs was much lamented by the Proteſtant party in *France*, Sir *William Heyden*, and ſome hundreds of the Engliſh were ſlain. The foot which engaged on both ſides were much equal in number, but in horſe the French had a great advantage.

The Victory was not purſued by a ſpeedy march after *Toras*, who retreated to his Cittadel at St. *Martins* with his wounded men; for five days time was ſpent before the Army moved, whereby *Toras* got not

The Army ſtays five days after the fight.

B onely time to encourage his men to hold out, (being much diſcomfited at this fight) but to get in aſſiſtance of Men and proviſion of Victuals out of the Iſland into the Cittadel, which he improved to great advantage.

The Fort *La Prie*, near unto the landing place, and meanly Victualled and Manned, was all this while the Army ſtaid, neglected, omitted, or contemned, as inconſiderable; the gaining where-

A Fort neglected to be taken in.

C of (as was ſaid) would have ſecured a retreat for the Engliſh, and impeded the landing of the French (during the ſiege) of the Fort at St. *Martins*.

This landing of the Engliſh was a great aſtoniſhment in the Court of *France*; and if the taking of the Fort had immediately followed, there would have appeared a great change of Affairs; for the King fell ſick about the ſame time, and great diſcontent there was at Court, and the King ſent his Reſolution, to give the Proteſtants honorable terms, if they will not joyn with the Engliſh; ſent to the Duke of *Rhoan*

The French aſtoniſhed at the landing of the Engliſh.

D to content him with money, and other proffers, and renders the landing of the Engliſh to other Proteſtant Towns to be a thing not to be complied withal.

The Duke in two days march came with his Army before St. *Martins*, and publiſhed a *Manifeſto*, juſtifying his Maſters taking up of Arms againſt the King of *France*, declaring (amongſt other Reaſons) as one cauſe thereof, the Frenches employing of the Engliſh Ships againſt

The Duke comes before the Fort at St. *Martins*.

E *Rochel* contrary to promiſe, and lodgeth his Army at the Burgh of St. *Martins*, at *Rhee*, which (upon the approach of the Duke) the enemy quit, and retreated into the City, and quit a Well which was about thirty paces from their Counterskarf; which being not at firſt coming of the Army, made totally unſerviceable to the enemy, they preſently drew a work unto it, and ſo ſecured the ſame for their uſe; by which they ſubſiſted, during all the time of the ſiege.

The Duke blocks up the Cittadel, draws his forces round about it in

Blocks up the Cittadel.

F order to a cloſe ſiege, and diſpoſes his Fleet ſo, as to hinder Relief by Sea, and reſolves to take it by Famine, upon preſumption (and as the truth was) that they were not provided with Victuals in the Cittadel for a long ſiege, and being Maſter at Sea, he might in ſhort time be Maſter of the Cittadel.

But

An. 1627.

But whilſt the Duke employs his time in drawing a Line of Circumvallation, and raiſing of Bulwarks and Batteries, let us ſee what they are doing in *England*.

Gentlemen ſecured and confined for refuſing to part with money upon the Loan.

Thoſe Gentlemen who ſtood committed for not parting with moneys upon the Commiſſion for Loans, were appointed to ſeveral Confinements not in their own, but Foreign Counties.

Sir *Thomas Wentworth*, afterwards Earl of *Strafford*, and *George Ratcliff* Eſq; afterwards Sir *George*, *Yorkſhire* Gentlemen, were ſent for by Meſſengers, and removed out of the County of *York* into the County of *Kent*, and there ſecured by Confinement.

Sir *Walter Earl*, and Sir *John Strangwayes*, who were *Dorſetſhire* men, were ſecured in the County of *Bedford*.

Sir *Thomas Grantham*, and ſome others of the County of *Lincoln*, were removed and ſecured in the County of *Dorſet*.

Sir *John Heveningham*, and others of the County of *Suffolk*, were ſecured in the County of *Somerſet*.

Richard Knightly Eſq; and others of the County of *Northampton*, were ſecured in the County of *Southampton* and *Wiltſhire*.

Sir *Nathaniel Barnardiſton* of the County of *Suffolk*, and *William Coriton* Eſq; of the County of *Cornwal*, were ſecured in the County of *Suſſex*.

Sir *Harbotle Grimſton* of the County of *Eſſex*, and Sir *Robert Points*, were ſecured in *Northamptonſhire*.

John Hampden Eſq; and others, of the County of *Bucks*, were ſecured in *Hampſhire*; and the like courſe was taken with the Gentry of other Counties who refuſed the Loan.

And the Council ordered that all thoſe Refractory perſons before-named (for ſo they are called in the Order) who are appointed by his Majeſties command to their ſeveral Commitments, ſhall preſently obey the Order of the Board ſent with their Meſſenger in that behalf, or be committed cloſe priſoners, any pretence of inability, want of conveniency, or any excuſe whatſoever no twithſtanding.

Many of thoſe Gentlemen were afterwards ſent for by Purſevants out of thoſe Counties where they were confined by Order of the Council, and committed to ſeveral Priſons; ſome to the *Fleet*, ſome to the *Marſhalſey*, and *Gatehouſe*, and others remained in the cuſtody of the Meſſengers: And from the *Gatehouſe* Sir *John Elliot* ſends this Petition to his Majeſty.

To

3 Caroli.

To the Kings most Excellent Majesty.

The humble Petition of Sir *John Eliot* Knight, Prisoner in the *Gatehouse*, concerning the Loan.

Sheweth,

Sir *John Eliots* Petition to the King concerning the Loan.

That your poor Suppliant affected with sorrow and unhappiness, through the long sense of your Majesties displeasure, willing in every act of Duty and Obedience to satisfie your Majesty of the loyalty of his heart, then which he hath nothing more desired, that there may not remain a jealousie in your Royal Breast, that stubbornness and will have been the motives of his forbearing to condescend to the said Loan, low as your Highness foot, with a sad, yet a faithful heart; for an Apology to your Clemency and Grace, he now presumes to offer up the Reasons that induced him, which he conceiveth necessity of his Duty to Religion, Justice, and your Majesty, did inforce.

The Rule of Justice he takes to be the Law, impartial Arbiter of Government and Obedience, the support and strength of Majesty, the observation of that Justice by which Subjection is commanded. This and Religion (added to this Power not to be resisted) binds up the Conscience in an Obligation to that Rule, which (without open prejudice and violence of these duties) may not be impeached.

In this particular therefore of the Loan, being desirous to be satisfied how far the Obligation might extend, and resolving where he was left Master of his own, to become Servant to your Will, he had recourse unto the Laws, to be informed by them; which in all humility he submitteth to your most Sacred view in the Collections following.

In the time of Edward the First, he findeth that the Commons of that age were so tender of their Liberties, as they feared even their own free acts and gifts might turn them to a Bondage and their Heirs. Wherefore it was desired, and granted,

That for no business such manner of Aids, Taxes, nor Prizes, should be taken, but by common assent of the Realm, and for the common profit thereof.

The like was in force by the same King, and by two other Laws again Enacted,

That no Tallage or Aid should be taken or levied, without the good will and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other Freeman of the Land.

And that Prudent and Magnanimous Prince, Edward the Third, led by the same Wisdom, having granted,

That the greatest gift given in Parliament for the Aid and speed of his matchless undertaking against *France*, should not be had in Example, nor fall to the prejudice of the Subject in time to come; did likewise adde in Confirmation of that Right, That they should not from thenceforth be grieved to sustain any Charge or Aid, but by the Common Assent, and that in Parliament.

And more particularly upon this point, upon a Petition of the Commons afterwards in Parliament, it was established,

An. 1627.

That the Loans which are granted to the King by divers persons, be releaſed, and that none from henceforth be compelled to make ſuch Loans againſt their Wills, becauſe it is againſt Reaſon and the Franchiſes of the Land, and Reſtitution be made to ſuch as made ſuch Loans.

And by another Act upon a new occaſion, in the time of Richard the Third, it was ordained,

That the Subject in no wiſe be charged with any ſuch Charge, Exaction, or Impoſition, called a Benevolence, nor ſuch like Charge; and that ſuch like Exactions be damned and annulled for ever.

Sir John Eliot's Diſtinction to the King concerning the Loan.

Such were the Opinions of theſe times, for all theſe Aids, Benevolences, Loans, and ſuch like Charges eſtated from the Subject not in Parliament, which they held to be Grievances contrary to their Liberties, and illegal; and ſo pious were their Princes in Confirmation of their Liberties, as paſſing ſecured them for the preſent by ſuch frequent Laws and Statutes, they did likewiſe by them provide for their Poſterity; and in ſome ſo ſtrictly, that they bound the Obſervation with a Curſe, as in that of 33 Edw. 1. And alſo under pain of Excommunication; as by the other of the Five and twentieth of the ſame King, which was to be denounced againſt all thoſe that violate or break them, which Act extends to us.

And theſe Reaſons he preſents to your Majeſty as the firſt Motive taken from the Law.

There are others alſo, which in his humble apprehenſion he conceives from the Nation it ſelf, which he likewiſe tenders to your moſt Excellent Wiſdom.

Firſt, That the Carriage and Inſtructions accompanied with the Authority of the Great Seal, impoſed a Conſtraint, ſuch Requeſts to Subjects being ſtrict and implied Commands, and ſo preventing that readineſs and love which in a free way would have far extended thoſe Demands, whereas the wonted Aids given to your happy Anceſtors were Ex ſpontanea voluntate, & charitate populi, whereby they made that Conjunction of their hearts at home, which wrought ſuch power and reputation to their acts abroad.

Whereas the firmeſt Obligation of that readineſs and love, is the benignity of Princes, giving and preſerving to their People, juſt and decent Liberties, which to this Kingdom are derived from the Clemency and Wiſdom of your Progenitors, to whom there is owing a Sacred Memory for them: He could not as he feared, without preſſure to theſe immunities, become an actor in this Loan, which by impriſonment and reſtraint, was urged, contrary to the Grants of the Great Charter, by ſo many glorious and victorious Kings ſo many times confirmed, being therein moſt confident of your Majeſty, that never King that reigned over us, had of his own benignity and goodneſs, a more pious diſpoſition to preſerve the juſt Liberties of his Subjects, then your Sacred Self.

Though we were well aſſured by your Majeſties Royal Promiſe, whoſe words he holds as Oracles of Truth, that it ſhould not become a preſident, during the happineſs of your Raign (the long continuance whereof, is the daily ſubject of his Prayers) yet he conceived from thence a fear, that ſucceeding Ages might thereby take occaſion for Poſterity to ſtrike at the property of their Goods, contrary to the piety and intention of your Majeſty ſo graciouſly expreſt.

And

3 Caroli.

And these being the true Grounds and Motives of his forbearance to the said Loan, shewing such inconveniences in Reason, and representing it an Act contradicting so many of your Laws, and most of them by the most prudent and happiest of our Princes granted, which could not without presumption beyond pardon in your Suppliant, in taking to himself the Dispensation of those Laws, so piously Enacted, by him be violated or impeached.

A In the fulness of all Submission and Obedience, as the Apology of his Loyalty and Duty, he lowly offers to your most Sacred Wisdom, for the satisfaction of your Majesty, most humbly praying your Majesty will be graciously pleased to take them into your Princely consideration, where when it shall appear (as he doubts not, but from hence it will to your deep judgment) that no factious humor, nor disaffection led on by stubbornness and will, hath herein stirred or moved him, but the just Obligation of his Conscience, which binds him to B the service of your Majesty, in the observance of your Laws; he is hopeful (presuming upon the Piety and Justice of your Majesty) that your Majesty according to your innate Clemency and Goodness, will be pleased to bestow him to your Favor, and his Liberty, and to afford him the benefit of those Laws which in all humility he craves.

Notwithstanding the said Petition, he still continued a prisoner in the *Gate-house*, till the general Order of Discharge came.

C Sir *Peter Haymun* refusing to part with Loan-money, was called before the Lords of the Council, who charged him with refractoriness, and with an unwillingness to serve the King; and told him, if he did not pay, he should be put upon service. Accordingly they commanded him to go upon his Majesties service into the *Palatinate*; and having first settled his estate, he undertook and performed the journey, and afterwards returned into *England*.

Archbishop *Abbot* having been long slighted at Court, now fell under D the Kings high displeasure for refusing to Licence Doctor *Sibthorps* Sermon, as he was commanded, intituled, *Apostolical Obedience*, and not long after he was sequestred from his Office, and a Commission was granted to the Bishops of *London*, *Durham*, *Rochester*, *Oxford*, and Doctor *Laud*, Bishop of *Bath* and *Wells*, to execute Archiepiscopal Jurisdiction. The Commission as followeth.

Archbishop *Abbot* in disfavor.

E *CHARLS* by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, *&c.* To the Right Reverend Father in God, *George*, Bishop of *London*; and to the Right Reverend Father in God, Our Trusty and Welbeloved Counsellor, *Richard*, Lord Bishop of *Durham*; and to the Right Reverend Father in God, *John*, Lord Bishop of *Rochester*; and *John*, Lord Bishop of *Oxford*; to the Right Reverend Father in God, Our Right Trusty and Welbeloved Counsellor, *William*, Lord Bishop of *Bathe* and *Wells*, Greeting.

F Whereas George, now Archbishop of Canterbury, in the right of the Archbishoprick hath several and distinct Archiepiscopal, Episcopal, and other Spiritual and Ecclesiastical Powers and Jurisdictions, to be exercised in the Government and

The Commission to Sequester Archbishop *Abbot* from all his Ecclesiastical Offices.

An. 1627. Diſcipline of the Church within the Province of Canterbury, and in the Adminiſtration of Juſtice in Cauſes Eccleſiaſtical within that Province, which are partly executed by himſelf in his own perſon, and partly, and more generally by ſeveral perſons nominated and authoriſed by him, being learned in the Eccleſiaſtical Laws of this Realm, in thoſe ſeveral places whereunto they are deputed and appointed by the ſaid Archbiſhop: Which ſeveral places, as We are informed, they ſeverally hold by ſeveral Grants for their ſeveral lives, as namely, Sir Henry Martin Knight, hath and holdeth by the Grants of the ſaid Archbiſhop, the Offices and places of the Dean of the Arches, and Judge, or Maſter of the Prerogative Court for the Natural life of the ſaid Sir Henry Martin. A

Sir Charls Cæſar Knight, hath and holdeth by Grants of the ſaid Archbiſhop, the places or Offices of the Judge of the Audience, and Maſter of the Faculties for the term of the Natural life of the ſaid Sir Charls Cæſar. B

Sir Thomas Ridley Knight, hath and holdeth by the Grant of the ſaid Archbiſhop, the place or Office of Vicar-General to the ſaid Archbiſhop.

And Nathaniel Brent, Doctor of the Laws, hath and holdeth by Grant of the ſaid Archbiſhop, the Office or place of Commiſſary to the ſaid Archbiſhop, as of his proper and peculiar Dioceſs of Canterbury. C

And likewiſe the ſeveral Regiſters of the Arches, Prerogative, Audience, Faculties, and of the Vicar-General and Commiſſary of Canterbury, hold their places by Grants from the ſaid Archbiſhop reſpectively.

Whereas the ſaid Archbiſhop in ſome or all of theſe ſeveral places and Juriſdictions, doth or may ſometimes aſſume unto his perſonal and proper Judicature, Order, or Direction, ſome particular Cauſes, Actions, or Cales at his pleaſure. And foraſmuch as the ſaid Archbiſhop cannot at this preſent, in his own perſon, attend theſe Services which are otherwiſe proper for his Cognizance and Juriſdiction, and which as Archbiſhop of Canterbury, he might and ought in his own perſon to have performed and executed in Cauſes and Matters Eccleſiaſtical, in the proper Function of Archbiſhop of that Province, We therefore, of Our Regal Power, and of Our Princely Care and Providence, that nothing ſhall be defective in the Order, Diſcipline, Government, or Right of the Church, have thought fit by the Service of ſome other Learned and Reverend Biſhops, to be named by Us, to ſupply thoſe things which the ſaid Archbiſhop ought or might in the Cales aforeſaid to have done, but for this preſent cannot perform the ſame. D E

Know ye therefore, That We repoſing ſpecial Truſt and Confidence in your approved Wiſdoms, Learning, and Integrity, have nominated, authoriſed, and appointed, and do by theſe preſents, nominate, authoriſe, and appoint you the ſaid George, Lord Biſhop of London; Richard, Lord Biſhop of Durham; John, Lord Biſhop of Rocheſter; John, Lord Biſhop of Oxford; and William, Lord Biſhop of Bathe and Wells, or any four, three, or two of you, to do, execute, and perform all and every thoſe Acts, Matters, and things any way touching, or concerning the Power, Juriſdiction, or Authority of F

the

3 *Caroli.*

the Archbishop of Canterbury, in Causes or Matters Ecclesiastical, as amply, fully, and effectually, to all intents and purposes as the said Archbishop himself might have done.

And We do hereby Command you and every of you, to attend, perform, and execute this Our Royal Pleasure, in and touching the premisses, until We shall declare Our Will and Pleasure to the contrary.

A And We do further hereby, Will and Command the said Archbishop of Canterbury, quietly, and without interruption, to permit and suffer you the said George, Bishop of London; Richard, Bishop of Durham; John, Bishop of Rochester; John, Bishop of Oxford; and William, Bishop of Bathe and Wells, any four, three, or two of you, to execute and perform this Our Commission according to Our Royal Pleasure thereby signified.

B And We do further Will and Command all and every other person and persons whom it may any way concern in their several places or Offices, to be Attendant, Observant, and Obedient to you and every of you, in the execution and performance of this Our Royal Will and Command, as they and every of them will answer the contrary at their utmost perils.

Nevertheless We do hereby declare Our Royal Pleasure to be, That they the said Sir Henry Martin, Sir Charls Cæsar, Sir Thomas Ridley, and Nathaniel Brent, in their several Offices and places aforesaid, and all other Registers, Officers, and Ministers, in the several Courts, Offices, and Jurisdictions, appertaining to the said Archbishop, shall quietly, and without interruption, hold, use, occupy and enjoy their several Offices and places, which they now hold by the Grant of the said Archbishop, or of any other former Archbishop of Canterbury, in such Manner and Form, and with those Benefits, Priviledges, Powers, and Authorities, which they now have, hold, and enjoy therein, or thereout, severally and respectively, they, and every of them in their several places, being Attendant and Obedient unto you the said George, Bishop of London; Richard, Bishop of Durham; John, Bishop of Rochester; John, Bishop of Oxford; and William, Bishop of Bathe and Wells, or to any four, three, or two of you, in all things according to the Tenor of this Our Commission, as they should or ought to have been to the said Archbishop himself, if this Commission had not been had or made.

E In witness whereof, We have caused these Our Letters to be made Patents, witness Our Self at Westminster, the Nineth day of October in the Third year of Our Reign.

Per ipsum Regem.

Edmonds.

F For a Memorial of these Proceedings, the Archbishop left to Posterity, this following Narrative penned with his own hand.

Arch-

An. 1627.

Archbiſhop *ABBOT* his NARRATIVE.

Pars Prima.

The Archbiſhops Narrative concerning his diſgrace at Court.

IT is an Example, ſo without Example, that in the Sunſhine of the Goſpel, in the midſt of Profeſſion of the true Religion, under a Gratious King, whom all the World muſt acknowledge to be blemiſhed with no Vice; a man of my place and years, who have done ſome ſervice in the Church and Commonwealth, ſo deeply laden with ſome furious infirmities of Body, ſhould be removed from his ordinary Habitation, and by a kinde of deportation ſhould be thruſt into one end of the Iſland (although I muſt confeſs into his own Dioceſs) that I hold it fit, that the reaſon of it ſhould be truly underſtood, leaſt it may ſomeways turn to the ſcandal of my Perſon and Calling.

Which Declaration notwithſtanding, I intend not to communicate to any, but to let it lie by me privately, That it being ſet down impartially, whilſt all things are freſh in memory, I may have recourſe to it hereafter, if Queſtions ſhall be made of any thing contained in this Relation.

His Age when this befel him.

And this I hold neceſſary to be done, by reaſon of the ſtrangeneſs of that, which by way of Cenſure was inflicted upon me, being then of the age of Sixty five years, incumbred with the Gout, and afflicted with the Stone, having lived ſo many years in a place of great ſervice; and for ought I know, untainted in any of my actions, although, my Maſter King *James*, who reſteth with God, had both a ſearching Wit of his own to diſcover his Servants whom he put in truſt, whether they took any ſiniſter courſes, or no; and wanted not ſome ſuggeſters about him to make the worſt of all mens actions whom they could miſreport: Yet this Innocency and good Fame to be overturned in a moneth, and a Chriſtian Biſhop ſuddenly to be made *Fabula Vulgi*, to be toſſed upon the Tongues of Friends and Foes, of Proteſtants and Papiſts, of Court and Countrey, of Engliſh and Foreigners, muſt needs in common opinion, preſuppoſe ſome Crime, open or ſecret: Which being diſcovered by the King, albeit not fully appearing to the World, muſt draw on indignation in ſo high a meaſure.

His indiſpoſition kept him from Court, and expoſed him to cenſure.

I cannot deny, that the indiſpoſition of my Body kept me from Court, and thereby gave occaſion to Maligners to traduce me, as withdrawing my ſelf from publick ſervices; and therefore miſliking ſome courſes that were taken, which abſtaining perhaps neither pleaſed the King, nor the great man that ſet them on foot.

It is true, that in the turbulency of ſome things, I had no great invitements to draw me abroad, but to poſſeſs my Soul in Patience, till God ſent fairer weather: But the true ground of my abſtaining from ſolemn and publick places, was the weakneſs of my Feet, proceeding from the Gout, which diſeaſe being hereditary unto me, and having poſſeſſed me now nine years, had debilitated me more and more: So that I could not ſtand at all, neither could I go up or down a pair of Stairs; but beſides my Staff, I muſt have the ſervice of one, at leaſt, of my men, which was not fit to be admitted in every place where *I* was to come.

And

3 *Caroli.*

And although *I* was oft remembred by the wiſeſt of my Friends, that *I* might be carried as the old Lord Treaſurer *Burleigh* was, yet *I* did not think my ſervice ſo neceſſary for the Commonwealth, as his Lordſhips by long experience was found to be. *I* did not value my ſelf at ſo high a rate, but remembred that it was not the leaſt cauſe of overthrow to *Robert* Earl of *Eſſex*, that he prized himſelf ſo, as if Queen *Elizabeth* and the Kingdom could not well have ſtood, if he had not ſupported both the one and the other.

Now for me thus enfeebled, not with Gout onely, but with the Stone alſo and Gravel, to wait on the King or the Council Table, was by me held a matter moſt inconvenient. *In* the Courts of Princes, there is little feeling of the infirmities belonging to old age, they like them that be yong and gallant in their actions, and in their cloaths, they love not that men ſhould ſtick too long in any room of greatneſs. Change and alteration bringeth ſomewhat with it. What have they to do with Kerchiefs and Staves, with lame or ſickly men? it is certainly true, There is little compaſſion upon the bodily defects of any. The Scripture ſpeaketh of men ſtanding before Kings, it were an uncouth ſight to ſee the Subject ſit the day before the Coronation, when on the morrow *I* had work enough for the ſtrongeſt man in *England*, being weak in my Feet, and coming to *Whitehal* to ſee things in a readineſs againſt the next day; yet notwithſtanding the Stone and Gout, *I* was not altogether an inutile ſervant in the Kings Affairs, but did all things in my houſe that were to be done; as in keeping the High Commiſſion Court, doing all inferior Actions conducing thereunto, and diſpatching References from his Majeſty that came thick upon me.

Theſe Relations which are made concerning me, be of certain truth, but reach not to the reaſon wherefore *I* was diſcarded.

To underſtand therefore the verity, ſo it is, That the Duke of *Buckingham* being ſtill great in the favor of the King, could endure no man that would not depend upon him; among other men had me in his eye for not ſtooping unto him ſo, as to become his Vaſſal. *I* that had learned a Leſſon, which *I* conſtantly hold, To be no mans ſervant but the Kings (for mine Old Royal Maſter, which is with God, and mine own Reaſon, did teach me ſo) went on mine own ways, although *I* could not but obſerve, That ſo many as walked in that path, did ſuffer for it upon all occaſions, and ſo did *I*, nothing wherein *I* moved my Maſter, taking place; which finding ſo clearly, as if the Duke had ſet ſome ill character upon me, *I* had no way but to reſt in patience, leaving all to God, and looking to my ſelf as warily as *I* might. But this did not ſerve the turn, his undertakings were ſo extraordinary, That every one that was not with him, was preſently againſt him; and if a hard opinion were once entertained, there was no place left for ſatisfaction or reconciliation.

The Duke offended with the Archbiſhop, for not ſtooping to him.

What befel the Earl of *Arundel*, and Sir *Randal Crew*, and divers others, *I* need not to report, and no man can make doubt but he blew the Coals.

For my Self, there is a Gentleman called Sir *H. S.* who gave the firſt light what ſhould befal me: This Knight being of more livelihood then wiſdom, had married the Lady *D.* Siſter to the now Earl of *E.* and had ſo treated her, that both for ſafeguard of her Honor, blemiſhed by him ſcandalouſly, and for her Alimony or maintenance (being glad to get from him) ſhe was inforced to endure a Suit in the High Commiſſion

The Archbiſhop is foretold of the Dukes diſpleaſure.

An. 1627.

miſſion Court: So to ſtrengthen his party, he was made known to the Duke, and by means of a Dependant on his Grace, he got a Letter from the King, That the Commiſſioners ſhould proceed no further in hearing of that Cauſe, by reaſon that it being a difference between a Gentleman and his Wife, the Kings Majeſty would hear it himſelf. The Solicitor for the Lady finding that the courſe of Juſtice was ſtopped, did ſo earneſtly; by Petition, move the King, that by another Letter there was a relaxation of the former reſtraint, and the Commiſſioners Eccleſiaſtical went on: But now in the new proceeding, finding himſelf by Juſtice like enough to be pinched, he did publickly in the Court refuſe to ſpeak by any Counsel, but would plead his cauſe himſelf; wherein he did bear the whole buſineſs ſo diſorderly, tumultuouſly, and unreſpectively, that after divers reproofs, *I* was enforced for the Honor of the Court, and Reputation of the High Commiſſion, to tell him openly, That if he did not carry himſelf in a better faſhion, *I* would commit him to Priſon.

This ſo troubled the yong Gallant, that within few days after being at Dinner or Supper, where ſome wiſhed me well, he bolted it out, That as for the Archbiſhop, the Duke had a purpoſe to turn him out of his place, and that he did but wait the occaſion to effect it. Which being brought unto me conſtantly, by more ways then one, *I* was now in expectation what muſt be the iſſue of this great mans indignation, which fell out to be as followeth.

Sibthorps Sermon for Loan Money.

There was one *Sibthorpe*, who not being ſo much as a Batchellor of Arts, as it hath been credibly reported unto me; by means of Doctor *Peirce*, Dean of *Peterborough*, being Vice-Chancellor of *Oxford*, did get to be conferred upon him the Title of a *Doctor*.

This man is Vicar of *Brackley* in *Northamptonſhire*, and hath another Benefice not far from it in *Buckinghamſhire*. But the luſtre of his Honor did ariſe from being the Son-in-law of Sir *John Lamb*, Chancellor of *Peterborough*, whoſe Daughter he married, and was put into the Commiſſion of Peace.

When the *Lent* Aſſizes were in *February* laſt at *Northampton*, the man that Preached before the Judges there, was this worthy Doctor; where magnifying the Authority of Kings, (which is ſo ſtrong in the Scripture, that it needs no flattery any ways to extol it) he let fall divers Speeches which were diſtaſteful to the Auditors; and namely, That they had power to put Poll-Money upon their Subjects heads, when againſt thoſe challenges, men did frequently mourn.

The Dukes deſign in having this Sermon ſent to the Archbiſhop to Licence it.

He being a man of a low Fortune, conceived that the putting his Sermon in Print, might gain favor at Court, and raiſe his Fortune higher, on he goeth with the Tranſcribing of his Sermon, and got a Biſhop or two to prefer this great Service to the Duke; and it being brought unto the Duke, it cometh in his head, or was ſuggeſted unto him by ſome malicious body, that thereby the Archbiſhop might be put to ſome remarkable ſtrait: For if the King ſhould ſend the Sermon unto him, and command him to allow it to the Preſs, one of theſe two things would follow, That either he ſhould Authorize it, and ſo all men that were indifferent, ſhould diſcover him for a baſe and unworthy Beaſt; or he ſhould refuſe it, and ſo ſhould fall into the Kings indignation, who might purſue it at his pleaſure, as againſt a man that was contrary to his ſervice.

Out

3 *Caroli.*

Out of this Fountain flowed all the Water that afterwards so wet: In rehearsing whereof, I must set down divers particulars, which some man may wonder how they should be discovered unto me. But let it suffice once for all, that in the word of an honest man, and of a Bishop, I recount nothing, but whereof I have good warrant, God himself working means.

Mr *Murrey* sent from the King with the Sermon to the Archbishop to have it Licenced by himself.

The matters were revealed unto me, although it be not convenient that in this Paper, I name the manner how they came unto me, least such as did by well-doing further me, should receive blame for their labor. Well! resolved it is, That I must be put to it, and that with speed; and therefore Mr. *William Murrey*, Nephew (as I think) unto Mr. *Thomas Murrey*, sometimes Tutor unto Prince *Charls*; and the yong man now of the Kings Bed-chamber, is sent unto me with the Written Sermon, of whom I must say, That albeit he did the King his Masters business, yet he did use himself temperately and civilly unto me. For avoiding of *inquit* and *inquam* (as *Tully* saith) *I said this, and he said that*, I will make it by way of Dialogue, not setting down every days conference exactly by it self, but mentioning all things of importance in the whole, yet distinguishing of times; where for the truth of the Relation, it cannot be avoided.

The discourse by way of Dialogue, between the Archbishop and Mr. *Murrey* on that occasion.

Murrey. My Lord, I am sent unto you by the King, to let you know that his pleasure is, That whereas there is brought unto him a Sermon to be Printed, you should allow this Sermon to the Press.

Archb. I was never he that authorised Books to be Printed; for it is the work of my Chaplains to read over other mens writings, and what is fit, to let it go, what is unfit, to expunge it.

Murrey. But the King will have you your self to do this, because he is minded that no Books shall be allowed, but by you and the Bishop of *London:* And my Lord of *London* authorised one the other day (*Cousens* his Book) and he will have you do this.

Archb. This is an occupation that my old Master King *James* did never put me to, and yet I was then yong, and had more abilities of body then now I have; so that I see I must now learn a new lesson, but leave it with me; and when I have read it, I shall know what to say unto it, a day or two hence you shall understand my minde. When I had once or twice perused it, I found some words which seemed unto me to cross that which the King intended, and in a sort to destroy it; and therefore upon his return, a day or two after I expresst my self thus.

Mr. *Murrey.* I conceive that the King intendeth that this Sermon shall promote the service now in hand about the *Loan of Money*, but in my opinion it much crosseth it; for he layeth it down for a rule, and because it should not be forgotten, he repeateth it again,

The Archbishops Reasons why he could not Licence it.

That Christians are bound in duty one to another, especially all Subjects to their Princes according to the Laws and Customs of the Kingdom wherein they live.

Out of this will men except this *Loan*, because there is neither Law nor Custom for it in the Kingdom of *England*.

Secondly, In my judgment there followeth a dangerous Speech, *Habemus necessitatem vindicandæ libertatis*. For this was all that was then quoted out of *Calvin*, no mention being made of any the other words which are now in the Printed Copy: For when by the former Rule he

An. 1627. hath ſet men at liberty, whether they will pay or no, he impoſeth upon them a neceſſity to vindicate this Liberty, and *Vindicare* may be extended to challenge with violence *cum vi*. But for my part I would be moſt unwilling to give occaſion to Sedition and Mutiny in the Kingdom.

Again, here is mention made of Poll-Money, which as I have heard hath already cauſed much diſtaſte where the Sermon was Preached.

Moreover, what a Speech is this, *That he obſerves the forwardneſs of the Papiſts to offer double*, according to an Act of Parliament ſo providing, yea, to proteſs that they would part with the half of their Goods, where he quoteth in the Margent *Anno* 1 *Caroli*; the Act for the Subſidy of the Layty, whereby Popiſh Recuſants were to pay double; when indeed there is no ſuch Act. A

And in the fifth place it is ſaid in this Sermon, that the Princes of *Bohemia* have power to depoſe their Kings, as not being Hereditary, which is a great queſtion. Such a one as hath coſt much blood, and muſt not in a word be abſolutely defined here, as if it were without controverſie. I pray you make his Majeſty acquainted with theſe things, and take the Book with you (where it is to be noted, That all this time we had but one ſingle Copy, which was ſome time at the Court, and ſometime left with me.) B

Murrey. I will faithfully deliver theſe things to the King, and then you ſhall hear further from me.

His Majeſty returns Anſwer by Mr. *Murrey* to thoſe Reaſons of the Archbiſhop.

Some two or three days after he returneth again unto me, and telleth me, That he had particularly acquainted the King with my Objections, and his Majeſty made this Anſwer. Firſt, For the Laws and Cuſtoms of the Kingdom, he did not ſtand upon that, he had a Preſident for that which he did, and thereon he would inſiſt. C

Archb. I think that to be a miſtaking, for I fear there will be found no ſuch Preſident. King *Henry* the Eighth, as the Chronicle ſheweth, deſired but the Sixth part of mens eſtates, Ten groats in the pound; our King deſireth the whole Six parts full out, ſo much as men are ſet at in the Subſidy Book: And in the time of King *Henry*, although he were a powerful King, yet for that Taxation there began againſt him little leſs then a Rebellion, ſo that he held it wiſdom to deſiſt, and laying the blame upon Cardinal *Wolſey*, profeſſed, That he knew nothing of the matter. D

Murrey. Secondly, The King ſaith for the words *Habemus neceſſitatem vindicandæ libertatis*, he taketh them to be for him; and he will ſtand on his Liberty. E

Thirdly, For Poll-money he thinketh it lawful.

Fourthly, It is true, there was no ſuch Act paſſed, and therefore it muſt be amended (and yet in the Printed Book it is ſuffered ſtill to ſtand. Such ſlight, and I may ſay, ſlovenly care was had by them that publiſhed this Sermon.)

And fifthly, For that of *Bohemia*, he hath croſſed it out of the Book. F

Some other matters there were, againſt which I took exception, but Mr. *Murrey* being a yong Gentleman, although witty and full of good behavior, I doubted that being not deeply ſeen in Divinity, he could not ſo well conceive me, nor make report of my words to his Majeſty: And therefore I being lame, and ſo diſabled to wait on the King, did

move

3 Caroli.

move him, That he would in my name humbly beſeech his Majeſty to ſend the Biſhop of *Bathe* and *Wells* unto me, and I would by his means make known my Scruples; and ſo I diſmiſſed Mr. *Murrey*, obſerving with my ſelf, that the Anſwers to my Five Objections, eſpecially to two or three, were ſomewhat ſtrange: As if the King were reſolved, were it to his good or to his harm, to have the Book go forth.

The Archbiſhop deſires Biſhop *Laud* may be ſent to him to treat of that Sermon.

After one or two days more, the young Gentleman cometh to me again, and telleth me, That the King did not think it fit to ſend the Biſhop of *Bathe* unto me; but he expecteth I ſhould paſs the Book. In the mean time had gone over one High Commiſſion day, and this Biſhop who uſed (otherwiſe) very few days to fail, was not there, which being joyned to his Majeſties Meſſage, made me in ſome meaſure to ſmell, that this whole buſineſs might have that Biſhops hand in it, eſpecially I knowing in general the diſpoſition of the man.

The mindes of thoſe that were Actors for the publiſhing of the Book, were not quiet at the Court, that the thing was not diſpatched; and therefore one day the Duke ſaid to the King, Do you ſee how this buſineſs is deferred, if more expedition be not uſed, it will not be Printed before the end of the Term; at which time it is fit that it be ſent down into the Countreys.

So eager he was, That either by my Credit his undertakings might be ſtrengthned, or at leaſt I might be contemned and derided as an unworthy fellow.

This ſo quickned the King, that the next Meſſage which was ſent by Mr. *Murrey*, was in ſome degree minatory, That if I did not diſpatch it, the King would take ſome other courſe with me.

The Archbiſhop ſends his Objections to the Court in writing againſt the Sermon.

When I found how far the Duke had prevailed, I thought it my beſt way to ſet down in writing many Objections, wherefore the Book was not fit to be publiſhed; which I did modeſtly, and ſent them to the King. The words were theſe which I culled out of the Written Sermon.

1. *Page* 2. Thoſe words deſerve to be well weighed, *And whereas the Prince pleads not the Power of Prerogative.*

2. *Page* 8. *The Kings duty is firſt to direct and make Laws.* There is no Law made till the King aſſent unto it; but if it be put ſimply to make Laws, it will make much ſtartling at it.

3. *Page* 10. *If nothing may excuſe from active obedience, but what is againſt the Law of God, or of Nature, or impoſſible.* How doth this agree with the firſt Fundamental Poſition? *Page* 5. *That all Subjects are bound to all their Princes according to the Laws and Cuſtoms of the Kingdom wherein they live.*

This is a fourth Caſe of Exception.

4. *Page* 11. *The Poll-Money*, mentioned by him in St. *Matthew*, was impoſed by the Emperor as a Conqueror over the *Jews*, and the execution of it in *England*, although it was by a Law, produced a terrible effect in King *Richard* the Second's time, when onely it was uſed, for ought that appeareth.

5. *Page* 12. It is in the bottome, view the Reign of *Henry* the Third, and whether it be fit to give ſuch allowance to the Book, being ſurreptitiouſly put out?

6. In the ſame Page, let the largeneſs of thoſe words be well conſidered, *Yea all Antiquity to be abſolutely for abſolute Obedience to Princes*

An. 1627.

in all Civil and Temporal things. For ſuch caſes as *Naboths* Vineyard may fill within this.

7. *Page* 14. *Sixtus Quintus* was dead before the year One thouſand five hundred and eighty.

8. In the ſame Page weigh it well, How this *Loan* may be called a *Tribute*, and when its ſaid, *We are promiſed it ſhall not be immoderately impoſed?* How that agreeth with his Majeſties Commiſſion and Proclamation which are quoted in the Margent?

Biſhop *Laud* is employed to Anſwer theſe Objections

It ſhould ſeem that this Paper did prick to the quick, and no ſatisfaction being thereby accepted, Biſhop *Laud* is called, and he muſt go to anſwer to it in writing: This man is the onely inward Counſellor with *Buckingham*, ſitting with him ſometimes privately whole hours, and feeding his humor with malice and ſpight.

His life in *Oxford* was to pick quarrels in the Lectures of the Publick Readers, and to advertiſe them to the then Biſhop of *Durham*, that he might fill the ears of King *James* with diſcontents, againſt the honeſt men that took pains in their places, and ſetled the truth (which he called *Puritaniſm*) in their Auditors.

He made it his work to ſee what Books were in the Preſs, and to look over Epiſtles Dedicatory, and Prefaces to the Reader, to ſee what faults might be found.

It was an obſervation what a ſweet man this was like to be, that the firſt obſervable act that he did, was the marrying of the Earl of *D.* to the Lady *R.* When it was notorious to the World, that ſhe had another Husband; and the ſame a Nobleman, who had divers Children then living by her. King *James* did for many years take this ſo ill, that he would never hear of any great preferment of him, inſomuch, that the Biſhop of *Lincoln*, Doctor *Williams*, who taketh upon him to be the firſt promoter of him, hath many times ſaid, That when he made mention of *Laud* to the King, his Majeſty was ſo averſe from it, that he was conſtrained oftentimes to ſay, That he would never deſire to ſerve that Maſter which could not remit one fault unto his Servant. Well, in the end he did conquer it, to get him to the Biſhoprick of St. *Davids*; which he had not long enjoyed, but he began to undermine his Benefactor, as at this day it appeareth. The Counteſs of *Buckingham* told *Lincoln*, that St. *Davids* was the Man that undermined him with her Son; and verily, ſuch is his aſpiring nature, that he will underwork any man in the World, ſo that he may gain by it.

King *James* was a long time offended with Biſhop *Laud*.

He was advanced by Biſhop *Williams*.

This Man who believeth ſo well of himſelf, framed an Anſwer to my Exceptions. But to give ſome countenance to it, he muſt call in three other Biſhops, that is to ſay, *Durham*, *Rocheſter*, and *Oxford*, tryed men for ſuch a purpoſe, and the whole ſtile of the Speech runneth, *We and We.*

Biſhops of *Durham* and *Bathe* ſworn of the Privy Council.

This ſeemed ſo ſtrong a confutation, that for reward of their ſervice, as well as for hope, that they would do more, Doctor *Neal*, Biſhop of *Durham*, and the Biſhop of *Bath*, were ſworn of the Privy Council.

The very day being Sunday, Mr. *Murrey* was ſent unto me with a Writing, but finding me all in a ſweat by a fit of the Stone which was then upon me, he forbore for that time to trouble me, and ſaid, That on the morrow he would repair unto me again. I got me to Bed, and lying all that night in pain, I held it convenient not to riſe the next day:

And

3 *Caroli.*

And on the Monday Mr. *Murrey* came unto me, which was the Eighth time that he had been with me, ſo unceſſantly was I plyed with this noble work.

Mr. *Murrey* brings the Anſwer to the Archbiſhops Objections.

I had ſhewed it before to a friend or two, whereof the one was a Learned Doctor of Divinity, and the other had ſerved many times in Parliament with great commendation. We all agreed, That it was an idle work of a Man that underſtood not Logick, that evidently croſſed himſelf, that ſome times ſpake plauſibly, and in the end of his Sermon fell ſo poor and flat, that it was not worth the reading.

Mr. *Murrey* coming to my Bed-ſide, ſaid, That he was ſent again by the King, and had a Paper to be ſhewed unto me.

Archb. You ſee in what caſe I am, having ſlept little all this laſt night, but nevertheleſs ſince you come from the King, I will take my Spectacles and read it.

Murrey. No my Lord, you may not read it, neither handle it; for I have charge not to ſuffer it to go out of my hands.

Archb. How then ſhall I know what it is?

Murrey. Yes, I have order to read it unto you, but I may not part with it.

Archb. I muſt conceive, that if I do not aſſent to it, his Majeſty will give me leave to reply upon it, which I cannot do, but in my Study, for there are my Books.

Murrey. I muſt go with you into your Study, and ſit by you till you have done.

Archb. It is not ſo haſty a work, it will require time, and I have not been uſed to Study, one ſitting by me, but firſt read it I pray you. The yong Gentleman read it from the one end to the other, being two or three ſheets of Paper.

Archb. This Anſwer is very bitter, but giveth me no ſatisfaction, I pray you leave the Writing with me, and I ſhall batter it to peeces.

Murrey. No, my Lord, I am forbidden to leave it with you, or to ſuffer you to touch it.

The Archbiſhop is not ſuffered to ſee the Writing, but Mr. *Murrey* reads it.

Archb. How cometh this about? Are the Authors of it, afraid of it, or aſhamed of it? I pray you tell his Majeſty that I am dealt with neither Manly nor Schollar-like. Not Manly, becauſe I muſt fight with Adverſaries that I know not; not Shollar-like, becauſe I muſt not ſee what it is that muſt confute me. It is now Eight and forty years ago that I came to the Univerſity, and ſince that time I have ever loved a Learned Man, I have diſputed and written divers Books, and know very well what appertaineth to the Schools. This is a new kinde of Learning unto me, I have formerly found fault, that the Author of this Sermon quoteth not the places wherenpon he grounds his Doctrine, and when I have oft called for them, it is replied unto me, that I muſt take them upon the credit of the Writer, which I dare not do; for I have ſearched but one place which he quoted in general, but ſets down neither the words, nor the Treatiſe, nor the Chapter, and I finde nothing to the purpoſe, for which it is quoted; and therefore I have reaſon to ſuſpect all the reſt. I pray you therefore in the humbleſt manner to commend my ſervice to the King my Maſter, and let him know, that unleſs I may have all the Quotations ſet down, that I may examine them, and may have that writing, wherein I am ſo ill uſed, I cannot allow the Book.

Before

An. 1627.

Before I go further, it ſhall not be amiſs to touch ſome particulars of that which I ſent in writing to the King.

The firſt was *Page* 2. Thoſe words deſerve to be well weighed, *And whereas the Prince pleads not the Power of Prerogative.*

To this Mr. *Murrey* ſaid, The King doth not plead it: But my Reply was, By what then doth he coerce thoſe Refractories, for I have not heard of any Law whereby they are impriſoned, and therefore I muſt take it to be by the Kings Prerogative. A

To the ſecond *Page* 8. *The Kings duty is firſt to direct and make Laws.* There is no Law made till the King aſſent unto it; but if it be put ſimply to make Laws, it will cauſe much ſtartling at it.

To this I remember not any material thing anſwered, neither to the third.

Page 10. *If nothing may excuſe from active obedience, but what is againſt the Law of God, or of Nature, or impoſſible:* How doth this agree with the firſt Fundamental Poſition? *Page* 5. *That all Subjects are bound to all their Princes according to the Laws and Cuſtoms of the Kingdom wherein they live.* B

This is a fourth Caſe of Exception.

And here before I go to the reſt, the Doctor did truly hit upon a good point, in looking to the Laws and Cuſtoms, if he could have kept him to it; for in my memory, and in the remembrance of many Lords, and others that now live, Doctor *Hareſenet*, the then Biſhop of *Chicheſter*, and now of *Norwich*, in Parliament time Preached a Sermon at *Whitehal*, (which was afterward burned) upon the Text, *Give unto* Cæſar, *the things that be* Cæſars. Wherein he inſiſted, That Goods and Money were *Cæſars*, and therefore they were not to be denied unto him. C

At this time, when the whole Parliament took main offence thereat, King *James* was conſtrained to call the Lords and Commons into the Banqueting-houſe at *Whitehal*, and there his Majeſty calmed all by ſaying, *The Biſhop onely failed in this, when he ſaid the Goods were* Cæſars; he did not adde, They were his according to the Laws and Cuſtoms of the Countrey wherein they did live. D

So moderate was our *Cæſar* then, as I my ſelf ſaw, and heard, being then an eye and ear witneſs, for I was then Biſhop of *London*.

To the fourth, The Poll-Money, in St. *Matthew*, was impoſed by the Emperor, as a Conqueror over the *Jews*, and the execution of it in *England*, although it was by a Law, produced a terrible effect in King *Richard* the Second's time, when onely it was uſed, for ought that appeareth. E

Here the Biſhop in the Paper excepted divers things, as, That ſometimes among us by Act of Parliament, ſtrangers are appointed to pay by the Poll, which agreeth not with the Caſe, and that it was not well to bring examples out of weak times, whereas we live in better; but that it was a marvelous fault, the blame was not laid upon the Rebels of that Age. F

Thoſe are ſuch poor things, that they are not worth the anſwering.

But my Objection in truth prevailed ſo far, that in the Printed Book it was qualified thus. Poll-Money, other perſons, and upon ſome occaſions; where *obiter* I may obſerve, That my refuſing to ſign the Sermon,

is

3 *Caroli.*

is not to be judged by the Printed Book, for many things are altred in one, which were in the other.

To the fifth, *Page* 12. It is in the bottome, view the Reign of *Henry* the Third, whether it be fit to give ſuch allowance to the Book being ſurreptiouſly put out.

To this it was ſaid, That being a good paſſage out of a blame-worthy Book, there was no harm in it.

A But before the Queſtion of *Sibthorps* Treatiſe, the Biſhop of *Bathe* himſelf being with me, found much fault with that Treatiſe, as being put out for a ſcandalous Parallel of thoſe times.

To the ſixth in the ſame *Page*, Let the largeneſs of thoſe words be well conſidered, *Yea, all Antiquity to be abſolutely for abſolute Obedience to Princes, in all Civil or Temporal things:* For ſuch Caſes (as *Naboths* Vineyard) may fall within this.

Here the Biſhop was as a man in a rage, and ſaid, That it was an odi-
B ous compariſon; for it muſt ſuppoſe, that there muſt be an *Ahab*, and there muſt be a *Jezabel*, and I cannot tell what: But I am ſure my Exception ſtandeth true, and reviling, and railing, doth not ſatisfie my Argument, *All Antiquity* taketh the Scripture into it; and if I had allowed that proportion for good, I had been juſtly beaten with my own Rod.

If the King the next day had commanded me to ſend him all the Money and Goods I had, I muſt by mine own rule have obeyed him; and if he had commanded the like to all the Clergy-men in *England*, by
C Doctor *Sibthorps* proportion, and my Lord of *Canterburies* allowing of the ſame, they muſt have ſent in all, and left their Wives and Children in a miſerable caſe. Yea, the words extend ſo far, and are ſo abſolutely delivered, That by this Divinity, if the King ſhould ſend to the City of *London*, and the Inhabitants thereof, commanding them to give unto him all the wealth which they have, they were bound to do it: I know our King is ſo gratious, that he will attempt no ſuch matter; but if he
D do it not, the defect is not in theſe flatteriug Divines, who if they were called to queſtion for ſuch Doctrine, they would ſcarce be able to abide it. There is a *Meum* and a *Tuum*, in Chriſtian Commonwealths, and according to Laws and Cuſtoms, Princes may diſpoſe of it, that ſaying being true, *Ad Reges poteſtas omnium pertinet, ad ſingulos proprietas.*

To the ſeventh, *Page* 14. *Pius Quintus* was dead before the year One thouſand five hundred and eighty.

They make no Reply, but mend it in the Printed Book, changing it into *Gregory* the Thirteenth.

E To the laſt in the ſame Page, weigh it well, How this Loan may be called a *Tribute*; and when it is ſaid, *We are promiſed ſhall not be immoderately impoſed.*

How that agreeth with his Majeſties Commiſſion and Proclamation which are quoted in the Margent, they make no Anſwer; but in the publiſhed Sermon diſtinguiſheth a Tribute from a Loan or Aid, whereby they acknowledge it was not well before, and indeed it was improper and abſurd, worthy of none but Dr. *Sibthorpe*.
F

I have now delivered the Grounds whereupon I refuſed to authoriſe this Book, being ſorry at my heart, that the King, my Gratious Maſter, ſhould reſt ſo great a building upon ſo weak a Foundation, the Treatiſe being ſo ſlender, and without ſubſtance, but that it proceeded from a hungry man.

If

An. 1627.

If I had been in Council when the Project for this Loan was first handled, I would have used my best Reasons to have had it well grounded; but I was absent, and knew not whereupon they proceeded, onely I saw it was followed with much vehemency: And since it was put in execution, I did not interpose my self to know the Grounds of one, nor of the other.

It seemed therefore strange unto me, That in the upshot of the business, I was called in to make that good by Divinity, which others had done; and must have no other inducement to it, but Doctor *Sibthorps* contemptible Treatise. I imagined this for the manner of the carriage of it, to be somewhat like unto the Earl of *Somersets* Case, who abused the Wife of the Earl of *Essex*, must have her divorsed from her Husband, and must himself marry her: And this must not be done, but that the Archbishop of *Canterbury* must ratifie all judicially. I know the Cases are different, but I onely compare the manner of the carriage.

Sibthorps Sermons Licenced by the Bishop of *London*.

When the Approbation of the Sermon was by me refused, it was carried to the Bishop of *London*, who gave a great and stately allowance of it; the good man being not willing that any thing should stick which was sent unto him from the Court, as appeareth by the Book which is commonly called *The Seven Sacraments*, which was allowed by his Lordship with all the Errors, which since that time have been expunged, and taken out of it.

But before this passed the Bishops File, there is one accident which fitly cometh in to be recounted in this place. My Lord of *London* hath a Chaplain, Doctor *Worral* by name, who is Schollar good enough, but a kinde of free Fellow-like man, and of no very tender Conscience. Doctor *Sibthorps* Sermon was brought unto him, *And hand over head* (as the Proverb is) he approved it, and subscribed his name unto it. But afterwards being better advised, he sendeth it to a learned Gentleman of the *Inner Temple*, and writing some few lines unto him, craveth his opinion of that which he had done, the Gentleman read it: But although he had promised to return his Judgment by Letter, yet he refused so to do, but desired that Doctor *Worral* would come himself; which being done, he spake to this purpose, What have you done, you have allowed a strange Book yonder; which if it be true, there is no *Meum* or *Tuum*, no man in *England* hath any thing of his own: If ever the Tide turn, and Matters be called to a Reckoning, you will be hanged for publishing such a Book. To which the Doctor answered, Yea, but my hand is to it, what shall I do? For that the other replied, You must scrape out your name, and do not suffer so much as the sign of any Letter to remain in the Paper. Which accordingly he did, and withdrew his finger from the Pye.

Mr. *Selden*.

But what the Chaplain well-advised would not do, his Lord without sticking accomplished, and so being unsensibly hatched, it came flying into the World: But in my opinion, the Book hath perswaded very few understanding men, and hath not gained the King six pence.

A B C D E F

3 Caroli.

Pars Secunda.

HItherto I have declared at length all Paſſages concerning the Sermon, and to my remembrance I have not quitted any thing that was worthy the knowing. I am now in the ſecond place to ſhew what was the iſſue of this not allowing the worthy and learned Treatiſe. In the height of this Queſtion, I privately underſtood from a Friend in the Court, That for a puniſhment upon me, it was reſolved that I ſhould be ſent away to *Canterbury*, and confined there. I kept this ſilently, and expected Gods pleaſure, yet laying it up ſtill in my minde, eſteeming the Duke to be of the number of them, touching whom *Tacitus* obſerveth, *That ſuch as are falſe in their love, are true in their hate.* But whatſoever the event muſt be, I made that uſe of the Report, that *Facula præviſa minus feriunt.* The Duke at the firſt was earneſt with the King, That I muſt be preſently ſent away before his going to Sea: For, ſaith he, if I were gone, he would be every day at *Whitehal*, and at the Council Table, and there will croſs all things that I have intended. To meet with his Objection, I got me away to *Croyden* a moneth ſooner then in ordinary years I have uſed to do; but the Term was ended early, and my main fit of the Stone did call upon me to get me to the Countrey, that there on Horſ-back I might ride upon the Downs, which I afterwards performed, and I thank God found great uſe of it, in recovering of my Stomack which was almoſt utterly gone.

The Duke preſſeth his Majeſty to have the Archbiſhop ſent away before he ſet to Sea.

The Duke haſtned his preparations for the fleet, but ſtill that cometh in for one *Memorandum*, That if he were once abſent, there ſhould no day paſs over, but that the Archbiſhop would be with the King, and infuſe things that would be contrary to his proceedings. What a miſerable and reſtleſs thing Ambition is, when one talented, but as a common perſon, yet by the favor of his Prince, hath gotten that intereſt, that in a ſort all the Keys of *England* hang at his Girdle (which the wiſe Queen *Elizabeth* would never endure in any Subject) yet ſtandeth in his own heart in ſuch tickle terms, as that he feareth every ſhadow, and thinketh that the lending of the Kings ear unto any grave and well-ſeaſoned Report, may blow him out of all; which in his eſtimation he thinketh is ſetled upon no good foundation, but the affection of the Prince, which may be mutable, as it is in all men more or leſs? If a man would wiſh harm unto his enemy, could he wiſh him a greater torment, then to be wreſted and wringed with ambitious thoughts? Well, at firſt it went currant, that with all haſt I muſt be doffed; but upon later conſideration it muſt be ſtaid till the Duke be at Sea, and then put in execution by the King himſelf; that as it ſeemeth *Buckingham* might be free from blame, if any ſhould be laid upon any perſon. Hence it was, that after his going, there was new proſecution of the *Yorkſhire*-men, and the refuſing *Londoners* were purſued more fervently then before; and it is very likely, that the Arrow came out of the ſame Quiver; that the Biſhop coming to the Election at *Weſtminſter* was driven back ſo ſuddenly to *Bugden*. Take heed of theſe things Noble Duke, you put your King to the worſt parts, whereof you may hear one day: So when your Soveraign in the Parliament time had ſpoken ſharply to both Houſes, commanding them to go together again, and

An. 1627.

to give more money, and commanding them to meddle no more with the Duke of *Buckingham*; you came the next day and thought to ſmooth all, taking the glory of qualifying diſturbances to your ſelf; whereas, if you had read Books of true State Government, wherewith you are not acquainted, ſweet things are perſonally to be acted by Kings and Princes, as giving of Honors, and beſtowing of noted benefits; and thoſe things that are ſour and diſtaſting, are to be performed by their Miniſters, you go the contray way.

But as before the whole Houſe falleth on fire, ſome ſparks do flie out: So, before the Meſſage of the King was brought me by the Secretary, there were ſome inklings that ſuch a thing would follow. And upon the naming of me (by occaſion) it was ſaid by a Creature of the Dukes, That it would not be long before the Archbiſhop ſhould be ſequeſtred (that was the word) So well acquainted are the Dukes followers with great actions that are likely to fall out in State.

Accordingly on Tueſday the Fift of *July*, One thouſand ſix hundred twenty and ſeven, the Lord *Conway* came unto me to *Croyden* before Dinner time, having travelled, as he ſaid, a long journey that morning, even from *Oatlands* thither, he would ſay nothing till he had dined; then becauſe he was to return to *Oatlands* that night, I took him into the Gallery; and when we were both ſat down, we fell to it in this manner.

MY *Lord*, I know you coming from Court, have ſomewhat to ſay to me.

Secretary. It is true, my Lord, and I am the moſt unwilling man in the World to bring unpleaſing news to any perſon of quality to whom I wiſh well, and eſpecially to ſuch a one as of whoſe Meat I have eaten, and been merry at his Houſe: But I come from the King, and muſt deliver his pleaſure; I know who you are, and much more, with very civil language.

Archb. I doubt not, my Lord, but you have ſomewhat to ſay, and therefore I pray you in plain terms let me have it.

The Archbiſhop commanded to withdraw.

Secre. It is then his Majeſties pleaſure that you ſhould withdraw your ſelf unto *Canterbury*; for which he will afford you ſome convenient time.

Archb. Is that it, then I muſt uſe the words of the *Pſalmiſt*, *He ſhall not be afraid of any evil tydings; for his heart ſtandeth faſt, and believeth in the Lord.* But I pray you what is my fault that bringeth this upon me.

Secre. The King ſaith you know.

Archb. Truly I know none, unleſs it be that I am lame, which I cannot help, it is againſt my will, and I am not proud of it.

Secre. The King bad me tell you, That if any expoſtulation were uſed ——

Archb. No, I will not uſe any expoſtulation, if it be his pleaſure, I will obey, I know my ſelf to be an honeſt man, and therefore fear nothing: But my Lord, do you think it is for the Kings ſervice in this ſort to ſend me away.

Secre. No, by God! I do not think it, and ſo yeſterday I told the King with an Oath; but he will have it ſo.

Archb. I muſt ſay as before, *He ſhall not be afraid of any evil tidings; for his heart ſtandeth faſt, and he believeth in the Lord.* But I pray

3 Caroli.

pray you, my Lord, is the King precisely set upon my going to *Canterbury*; there are questions in Law between me and that Town, about the Liberties of my Archbishoprick, which I by my Oath am bound to maintain; and if I should be among them, I have many Adversaries of the Citizens, I have there some Tenants, and the Dean and Chapter are interessed in the Question, I would be unwilling that my Servants and their people should fall together by the ears, while I A am in the Town: His Majesty knoweth this difference to be between us, by the token that a Suit which I lately brought against them by a *Quo Warranto* in the *Kings Bench*, was stopped, Justice being denied me, which is not usual to be denied to any Subject, and the King well knoweth by whose means it was stayed. I have therefore another House called *Foord*, Five Miles beyond *Canterbury*, and more out of the way, his Majesty may be pleased to let me go thither.

B *Secre.* I can say nothing to that, but I will acquaint the King with it, and I conceive nothing to the contrary but that his Majesty will yield so much unto you. I have a second Charge to deliver unto you, and that is, That his Majesty will not have you from henceforth to meddle with the High Commission, he will take care that it shall be done otherwise.

Archb. I do not doubt but it shall be better managed then it hath been by me: And yet, my Lord, I will tell you that for these many C years that I have had the direction of that Court, the time is to come that ever honest man did finde fault, that he had not there Justice done.

Secre. It is now Vacation time, and so consequently little to do, and by *Michaelmas* his Majesty may set all in order.

Archb. I am sorry that the King proceedeth thus with me, and letteth me not know the cause.

Secre. Although I have no Commission to tell you so, it is for D a Book which you would not allow, which concerned the Kings Service.

The Lord *Conway* tells the Archbishop the reason why he is commanded to retire.

Archb. If that be it, when I am questioned for it, I doubt not but to give an honest Answer.

Secre You will never be questioned for it.

Archb. Then am I the more hardly dealt withal, to be censured, and not called to my Answer.

Secre. Well, my Lord, I will remember that of *Foord*, and will your E Grace command me any more Service.

Archb. No, my Lord, but God be with you, onely I end where I began with the words of the Prophet, *He shall not be afraid for any evil tydings; for his heart standeth fast, and believeth in the Lord.*

It comforted me not a little, that the word was now out: My confining must be for not allowing of a Book! I had much ado to forbear smiling when I heard it, because now it was clear, it was not for Felony or Treason that was laid to my charge, nor for intelligence with the F *Spaniards* or *French*, nor for Correspondency with Jesuites or Seminary Priests, or any other grievous crime, I thank God for that. I had almost forgotten that among many other memorable Speeches that passed between us, I used this one, That peradventure the King might be offended at me, because I was no more present at the matter of the

An. 1627.

Loan; but ſaid I, my lameneſs hindered me therein, and I hoped thereby to do my Maſter better ſervice, becauſe if ever courſe be taken to reconcile the King and his people (which if it be not, this Kingdom will rue it in the end) I would hope among many other, to be a good Inſtrument therein, ſince my hand hath not been in thoſe bitterneſſes which have of late faln out.

You ſay well ſaith the *Secretary*, Would you that I ſhould tell the King ſo much? Yea, ſaid I, if you pleaſe, I hold it not unfit that his Majeſty ſhould know it. A

What he reported therein, I do not know, but matters proceeded in the former courſe, as if there were no regard had of any ſuch thing.

The Lord *Conway* being gone from me for two or three days, I expected to hear the reſolution, to what place in *Kent* I ſhould betake my ſelf; and receiving no news, I toſſed many things in my minde, as perhaps, that the King deſired to hear ſomewhat from the Duke how he ſped in his journey; or that peradventure he might alter his purpoſe upon report of my ready obeying; or that it might ſo fall out, that ſome of the Lords at the Court underſtanding upon the *Secretaries* return from *Croyden*, that which was formerly concealed from them, might infuſe ſome other Councils into the King. Theſe thoughts I revolved at laſt, not forgetting the courſes of the Court, and imprinting that into my heart, That there was no good intended towards me; but that any advantage would be taken againſt me, I ſent a man to *Whitehal* whether the King was now come, for a night or two, and by him I wrote to the Lord *Conway*, in theſe words. B C

My very good Lord,

The Archbiſhop writes to the Lord Conway, to know if his Majeſty will give him his choice of two houſes to retire to.

I Do not forget the Meſſage which you brought unto me on Thurſday laſt, and becauſe I have heard nothing from you ſince that time, I ſend this Meſſenger on purpoſe to know what is reſolved touching the Houſe, or Houſes where I muſt remain, there belong to the Archbiſhoprick three Houſes in Kent, *one at* Canterbury, *another Five Miles beyond called* Foord, *and a third on the ſide of* Canterbury, *but two Miles of, the name whereof is* Becksburn. D

I pray your Lordſhip to let me know his Majeſties pleaſure, Whether he will leave the choice of any of thoſe Houſes to me to reſide in: I have reaſon to know the reſolution hereof, becauſe I muſt make my Proviſion of Wood, and Coals, and Hey, for ſome definite place; and when I ſhall have brewed, it is fit I ſhould know where to put it, or elſe it will not ſerve the turn: It is an unſeaſonable time to Brew now, and as untimely to cut Wood, being green in the higheſt degree, and to make Coals, without all which my Houſe cannot be kept. But when I ſhall know what muſt be my Habitation, I will ſend down my Servants preſently to make the beſt Proviſion that they can. And ſo expecting your Lordſhips Anſwer, I leave you to the Almighty, and remain E

Croyden, July 10. 1627. *Your Lordſhips very loving Friend,* F

G. Cant.

He

3 Caroli.

He made my Servant ſtay, and when he had gone up to know the Kings further pleaſure, he returned me the Anſwer following.

May it pleaſe your Grace,

A *I Am aſhamed and do confeſs my fault, that I wrote not to your Grace before I received your Reproof, though a Gratious one; but in truth, I did not neglect, nor forget: But the continual oppreſſion of buſineſs, would not permit me to advertiſe to your Grace the Kings Anſwer. His Majeſty heard ſeriouſly your Profeſſions and Anſwers, and commanded me to ſignifie unto you, That he knew not the preſent differences between you and the Town; and if he had, he would not have caſt you into that inconvenience. He was* B *well pleaſed you ſhould go to your houſe at* Foord, *and ſaid, He did not expect when the Queſtion was ended between your Grace and the Town, that you ſhould go to* Canterbury.

And he further ſaid, He would not tye you to ſo ſhort a time as might be any way inconvenient, but doth expect that your Grace will govern it ſo, as his Majeſty ſhall not need to warn you a ſecond time.

I will not fail to move his Majeſty to give you Liberty to chuſe either of your Houſes you name, and give you knowledge of his pleaſure, and in C *all things be ready to obey your Commandments, or take occaſion to ſerve you in the condition of*

The Lord *Conway's* Anſwer.

Whitehal, *July* 10. 1627.

Your Graces

moſt humble Servant

D

Conway.

I could not but obſerve therein that paſſage, That the King doth expect that your Grace will govern it ſo, as his Majeſty ſhall not need to warn you a ſecond time; I needed no Interpreter to expound thoſe E words, and therefore did take order that one of my Officers was preſently diſpatched unto *Foord* to ſee the Houſe ready.

While Neceſſaries were caring for, and I lay for ſome days at *Croyden*, and afterwards at *Lambeth*, the City of *London* was filled with the Report of my confining, (for ſo they did term it) and divers men ſpake diverſly of it. I will not trouble my ſelf to mention ſome idle things, but ſome other of them require a little conſideration. A main matter that the Duke was ſaid to take in ill part, was, the reſort which was made to my F Houſe at the times of Dinner and Supper, and that oftentimes of ſuch as did not love him.

The reaſon why the Duke was thought to be offended with the Archbiſhop.

My Anſwer unto that is, That by Nature I have been given to keep a Houſe according to my Proportion, ſince I have had any means, and God hath bleſſed me in it. That it is a property by Saint *Paul*

The Archbiſhop accuſtomed to Hoſpitality.

An. 1627.

Paul required in a Biſhop, *That he ſhould be given to Hoſpitality*; that it is another of his Rules, *Let your Converſation be without Coveteouſneſs*; and thoſe things I had in mine eyes. Beſides I have no Wife, nor Childe; and as for my Kinred, I do that for them which I hold fit; but I will not rob the Church, nor the Poor for them.

Again, It is ſo rare a fault in theſe days, that men not feeding on the Kings Meat, but of their own charge, ſhould frankly entertain their Friends when they come unto them, that I deſerve to be pardoned for it. But this is not all. A

King *James* injoyned the Archbiſhop to live like an Archbiſhop.

When King *James* gave me the Biſhoprick, he did once between him and me, and another time before the Earl of *Salisbury*, charge me that I ſhould carry my Houſe Nobly (that was his Majeſties word) and live like an Archbiſhop; which I promiſed him to do: And when Men came to my Houſe, who were of all civil ſorts, I gave them friendly entertainment, not ſifting what exceptions the Duke made againſt them; for I knew he might as undeſervedly think ill of others, as he did of me. But I meddled with no mans quarrels, and if I ſhould have received none but ſuch as cordially and in truth had loved him, I might have gone to Dinner many times without company. There frequented me Lords Spiritual and Temporal, divers Privy Counſellors, as occaſion ſerved, and Men of the higheſt rank; where, if the Duke thought that we had buſied our ſelves about him, he was much deceived: Yet perhaps the old ſaying is true, *That a Man who is guilty of one Evil to himſelf, thinketh that all men that talk together, do ſay ſomewhat of him.* I do not envy him that happineſs, but let it ever attend him. B C

As for other men of good ſort, but of leſſer quality, I have heard ſome by name, to whom exception hath been taken, and theſe are three, (I know from the Court by a Friend, that my Houſe for a good ſpace of time hath been watched, and I marvel that they have not rather named ſixty then three.)

D

The Duke was not pleaſed that Sir *Dudley Diggs* frequented the Archbiſhops houſe.

The firſt of theſe is Sir *Dudley Diggs*, a very great Mote in the Dukes Eye, as I am informed; for it is ſaid, That this Knight hath paid him in Parliament with many ſharp Speeches. If this be ſo yet what is that to me, he is of age to anſwer for himſelf. But in the time of the late Parliament, when the Earl of *Carlile* came unto me, and dealt with me thereabout, I gave him my word, and I did it truly, That I was not acquainted with theſe things; onely being ſick as I was, I had in general given him advice, That he ſhould do nothing that might give juſt offence to the King; and I have credibly heard, that when Sir *Dudley* was laſt in the *Fleet*, committed from the Council Table, he was much dealt withal, to know, Whether he was not inſtigated by me to accuſe the Duke in Parliament: The Knight with all the Proteſtations and Aſſurances, that could come from a Gentleman, acquitted me of the part, and whole, wherein he did me but right: And I do remember, when that man now ſo hated, was a great Servant of the Dukes. So that if he have now loſt him, it cannot but be preſumed that it is for ſome unworthy carriage which the Gentleman conceiveth hath by that Lord been offered unto him. E F

Moreover, How can I but imagine the words and actions of Sir *Dudley Diggs* have been ill interpreted, and reported: When I my ſelf ſaw the Duke ſtand up nine times in a morning in the Parliament Houſe

to

3 Caroli.

to faſten upon him words little leſs (if at all leſs) then Treaſon; when by the particular Votes of all the Lords and Commons in both Houſes, he was quit of thoſe things, which the other would have enforced upon him: And a little while before he was haſtily clapt into the *Tower*, and within a day or two releaſed again, becauſe nothing was proved againſt him. And I aſſure you, I am ſo little intereſſed in his actions, That to this day I could never learn the reaſon why he was impriſoned in the *Fleet*, although he was kept there for Seven or eight weeks. I diſtinguiſh the King from the Duke of *Buckingham*; the one is our Soveraign by the Laws of God and Men; the other a Subject as we are: And if any Subject do impeach another, though of different degrees, let the party grieved, remedy himſelf by Law, and not by Power.

But to ſpeak further for this Knight, I may not forget when he was publickly employed; one time to the *Hague*, a ſecond time to *Muſcovia*, and thirdly, into *Ireland*, about Affairs of the State, ſuch opinion was then held of his good endeavors. And for mine own part ever ſince the days of Queen *Elizabeth*, I have been nearly acquainted with him, he was my Pupil at *Oxford*, and a very towardly one; and this knowledge each of other, hath continued unto this time. He calleth me Father, and I term his Wife my Daughter, his eldeſt Son is my God-ſon, and their Children are in love accounted my Grand-children.

The Archbiſhop was Tutor to Sir *Dudley Digs* at *Oxford*.

The ſecond that I have heard named, was Sir *Francis Harrington*, a Gentleman whom for divers years I have not ſeen, and who for ought I know, was never in my houſe but once in his life.

The third was Sir *Thomas Wentworth*, who had good occaſion to ſend unto me, and ſome times to ſee me, becauſe we were joynt Executors to Sir *George Savile*, who married his Siſter, and was my Pupil at *Oxford*; to whoſe Son alſo, Sir *Thomas Wentworth* and I were Guardians, as may appear in the Court of Wards, and many things paſſed between us in that behalf; yet to my remembrance I ſaw not this Gentleman but once in theſe Three quarters of a year laſt paſt; at which time he came to ſeek his Brother-in-law, the Lord *Clifford*, who was then with me at Dinner at *Lambeth*.

The Duke was offended that Sir *Thomas Wentworth* frequented the Archbiſhops Houſe.

For one of the puniſhments laid upon me, it was told me by the Lord *Conway*, That I muſt meddle no more with the High Commiſſion; and accordingly within a few days after a Warrant is ſent to the Attorney General, that the Commiſſion muſt be renewed, and the Archbiſhop muſt be left out: This under hand being buzzed about the Town with no ſmall mixture of ſpight, I conceived it to be agreeable to the proceedings with the Lords and Gentlemen which refuſed to contribute to the Loan, they all being laid aſide in the Commiſſions for Lieutenancy, and the Peace, in their ſeveral Countreys. For my part, I had no cauſe to grieve at this, ſince it was his Majeſties pleaſure; but it was by the actors therein underſtood otherwiſe, they ſuppoſing that this power gave me the more Authority and Splendor in the Church and Commonwealth.

The Archbiſhop commanded to meddle no more in the High Commiſſion.

To deliver therefore truly the ſtate of this Queſtion, It cannot be denied, but that it was a great point of policy for the eſtabliſhing of Order in the Eccleſiaſtical, and conſequently Civil Eſtate alſo, to erect ſuch

Commendations of the High Commiſſion Court.

An. 1627.

such a Court, whereby Church-men that exorbitated in any grievous manner, might be castigated, and rectified, and such sort of crimes in the Layety might be censured as were of Ecclesiastical Cognisance. And verily this is of great use in the Kingdom, as well for cherishing the Study of the Civil Law, as otherwise: So that it be kept incorruptible, and with that integrity, as so grave a Meeting and Assembly requireth. That was principally my care, who took much pains and spent much money, that in fair and commendable sort, Justice was indifferently administred to all the Kings people that had to do with us: But every one might see that this was to my singular trouble; for besides that to keep things in a streight course, sometimes in fits of the Gout, I was forced by my Servants to be carried into the Court, where I could not speak much, but with difficulty; I was at no time free from Petitions, from Examinations, from signing of Warrants, to call some, to release others, from giving way to speeding and forwarding Acts of Courts, Suitors as their fashion is being so importunate, as that in Summer and Winter, in the day, and in the night, in sickness and health, they would not be denied. A B

These things were daily dispatched by me out of Duty, and more out of Charity, no allowance being of pay from the King, or of Fee from the Subject, to us that were the Judges: Nay, I may say more, the holding of that Court in such sort as I did, was very expenceful to me out of my private Purse, in giving weekly entertainment to the Commissioners; the reason whereof was this, King *James* being desirous when he made me Archbishop, that all matters should gravely and honorably be carried, directed me, that I should always call some of the Bishops that were about *London*, and some Divines, and Civilians, that by a good presence, Causes might be handled for the reputation of the action, and willed me therewithal to imitate therein, the Lord Archbishop *Whitgift*, who invited weekly some of the Judges to dinner, the rather to allure them thither. This advice proceeded from the Bishop of *Durham* that now is, which was not ill if it came from a good intention. C D

The High Commissioners chargeable to the Archbishop.

I obeyed it singly, and did that which was enjoyned: But whereas in those times the Commissioners were but few, since that time there hath been such an inundation of all sorts of men into that Company, that without proportion, both Lords Spiritual and Temporal, Commissioners and not Commissioners, resorted thither, and divers of them brought so many of their men, that it was truly a burthen to me. I think it may by my Officers be justified upon Oath, That since I was Archbishop, the thing alone hath cost me out of my private estate One thousand pounds and a half, and if I did say Two thousand pounds, it were not much amiss, besides all the trouble of my Servants; who neither directly nor indirectly gained six pence thereby in a whole year, but onely travel and pains for their Masters honor, and of that they had enough: My Houses being like a great Hostry every Thursday in the Term; and for my expences no man giving me so much as thanks. E

Now this being the true Case, if the Church and Commonwealth be well provided for in the Administration of Justice, and regard be had of the Publick, can any discreet man think that the removing of me from this molestation, is any true punishment upon me: I being one that have framed my self to Reality, and not to Opinion, and growing more and more in years, and consequently into weakness, having F

3 *Caroli.*

having before ſurfeited ſo long of worldly ſhews, whereof nothing is truly gained temporally but vexation of ſpirit; I have had enough of theſe things and do not dote upon them: The world, I hope, hath found me more ſtayed and reſerved in my Courſes.

Nevertheleſs, whatſoever was expedient for this, was diſpatched by me while I lived at *Lambeth* and *Croyden*, albeit I went not out of door.

A Yea, but you were otherwiſe inutile, not coming to the *Star-chamber*, nor to the Council-Table?

My pain or weakneſs by the Gout, muſt excuſe me herein. When I was younger, and had my health, I ſo diligently attended at the *Star-chamber*, that for full ſeven years I was not one day wanting. And for the Council-Table, the ſame reaſon of my Indiſpoſition may ſatisfie: But there are many other things that do ſpeak for me. The greateſt matters there handled, were for Money, or more Attempts of War: B For the one of theſe, we of the Clergy had done our parts already; the Clergy having put themſelves into Paiments of Subſidy by an Act of Parliament, not only for theſe two laſt years, when the Temporalty lay in a ſort dry, but yet there are three years behind, in which our Paiments run on with weight enough unto us; And no man can juſtly doubt but my hand was in thoſe Grants in a principal faſhion.

The Archbiſhops infirmity permitted him not to come to the Star-chamber, or Council-Table.

And concerning the Proviſions for War, I muſt confeſs mine ignorance in the Feats thereof: I knew not the grounds whereupon the C Controverſies were entred in general: I thought that before Wars were begun there ſhould be ſtore of Treaſure; That it was not good to fall out with many great Princes at once; That the turning of our Forces another way, muſt needs be ſome diminution from the King of *Denmark*, who was engaged by us into the Quarrel for the *Palatinate* and *Germany*, and hazarded both his Perſon and Dominions in the proſecution of the Queſtion. Theſe matters I thought upon, as one that had D ſometimes been acquainted with Councils; but I kept my thoughts unto my ſelf.

Again, I was never ſent for to the Council-Table, but I went, ſaving one time, when I was ſo ill, that I might not ſtir abroad.

Moreover, I was ſure that there wanted no Councellors at the Board, the Number being ſo much increaſed as it was. Beſides, I had no great encouragement to thruſt my craſie Body abroad, ſince I ſaw what little eſteem was made of me in thoſe things which be- E longed to mine own Occupation: With Biſhopricks, and Deanries, or other Church-Places, I was no more acquainted, then if I had dwelt at *Venice*, and underſtood of them but by ſome *Gazette*.

The Duke of *Buckingham* had the managing of theſe things, as it was generally conceived: For, what was he not fit to determine, in Church, or Commonwealth; in Court, or Council; in Peace, or War; at Land, or at Sea; at Home, or in Foreign F parts?

Montague had put out his *Arminian* Book; I threee times complained of it, but he was held up againſt me, and by the Duke magnified as a well-deſerving man.

Coſens put out his Treatiſe, which they commonly call [*The Seven Sacraments*;] which, in the firſt Edition, had many ſtrange

An. 1627.

things in it, as it ſeemeth: I knew nothing of it, but as it pleaſed my Lord of *Durham*, and the Biſhop of *Bath*: So the World did read.

We were wont in the High-Commiſſion to repreſs obſtinate and buſie Papiſts: In the end of King *James* his time, a Letter was brought me under the Hand and Signet of the King, That we muſt not meddle with any ſuch matter, nor exact the Twelve-pence for the Sunday of thoſe which came not to the Church, (with which Forfeit we never medled.) And this was told us to be in contemplation of a Marriage intended with the Lady *Mary* the Daughter of *France*.

After the death of King *James*, ſuch another Letter was brought from King *Charls*, and all Execution againſt Papiſts was ſuſpended. But when the Term was at *Reading*, by open divulgation in all Courts under the Great Seal of *England*, We and all Magiſtrates are ſet at liberty to do as it was preſcribed by Law: And now our Purſuvants muſt have their Warrants again, and take all the Prieſts they can, whereof Mr. *Croſs* took fourteen or fifteen in a very ſhort ſpace. Not long after, all theſe are ſet free; and Letters come from the King under his Royal Signet, That all Warrants muſt be taken from our Meſſengers, becauſe they ſpoiled the Catholicks, and carried themſelves unorderly unto them, eſpecially the Biſhops Purſuvants: Whereas we had in all but two; *Croſs* my Meſſenger, for whom I did ever offer to be anſwerable; and *Thomlinſon*, for whom my Lord of *London* (I think) would do as much. But the Caterpillers indeed, were the Purſuvants uſed by the Secretaries, men of no value, and ſhifters in the world, who had been puniſhed and turned away by us for great miſdemeanors.

But truth of Religion and Gods ſervice, was wont to overrule humane Policies, and not to be overruled; And I am certain that things beſt proſper, where thoſe courſes are held. But be it what it may be, I could not tell what to make of this variation of the Compaſs; ſince it was only commanded unto me to put ſuch and ſuch things in execution, but I never underſtood any thing of the Councel, whereby I might give my Judgment how fit, or unfit they were, or might ſpeak to alter the Tenure, whereunto in former times I had been otherwiſe uſed. Variety of Reaſons breedeth variety of Actions.

For the matter of the Loan, I knew not a long time what to make of it: I was not preſent when the Advice was taken; I underſtood not what was the Foundation whereupon the Building was raiſed, neither did ever any of the Council acquaint me therewith. I ſaw on the one ſide the Kings neceſſity for Money, and eſpecially it being reſolved that the War ſhould be purſued; And on the other ſide I could not forget, that in the Parliament great Sums were offered, if the Petitions of the Commons might be hearkened unto. It ran ſtill in my mind, That the old and uſual way was beſt; That in Kingdoms, the harmony was ſweeteſt, where the Prince and the People tuned well together; That, whatſoever pretence of Greatneſs, he was but an unhappy man that ſet the King and the Body of the Realm at diviſion; That the People (though not fit to be too much cockered, yet) are they, that muſt pray, that muſt pay, that muſt fight for their Princes; That it could not be, but a Man ſo univerſally hated in the Kingdom as the Duke was, muſt for the preſervation of himſelf deſperately adventure on any thing, if he might be hearkened unto.

These

3 *Caroli.*

Theſe Meditations I had with my ſelf; and God knoweth I frequently in my prayers did beg, That he whom theſe things did moſt concern, would ſeriouſly think upon them. It ran in my mind, that this new Device for Money could not long hold out; That then we muſt return into the High-way, whither it were beſt to retire our ſelves betimes, the ſhorteſt Errors being the beſt. But theſe thoughts I ſuppreſſed within my ſoul; neither did I ever diſcourage any man from Lending, nor encourage any man to hold back: Which I confidently avouch.

A

At the opening of the Commiſſion for the Loan, *I* was ſent for from *Croyden*. It ſeemed to me a ſtrange thing; but *I* was told there, That howſoever it ſhewed, the King would have it ſo, there was no ſpeaking againſt it. *I* had not heard, that men throughout the Kingdom ſhould lend Money againſt their will; *I* knew not what to make of it: But when *I* ſaw in the Inſtructions, the Refuſers ſhould be ſent away for Soldiers to the King of *Denmark*, I began to remember *Urias* that was ſent in the Forefront of the Battel; and to ſpeak truth, *I* durſt not be tender in it. And when afterwards *I* ſaw, that men were to be put to their Oath, With whom they had had Conference, and whether any did diſſwade them? And yet further beheld, that divers were to be impriſoned: I thought this was ſomewhat a New world. Yet all this while *I* ſwallowed my own ſpittle, and ſpake nothing of it to any man. Nay, when after ſome trial in *Middleſex*, the firſt Sitting was for *Surrey* in my Houſe at *Lambeth*, and the Lords were there aſſembled with the Juſtices of the whole County, *I* gave them entertainment in no mean faſhion: And *I* ſate with them, albeit *I* ſaid nothing; for the confuſion was ſuch, that *I* knew not what to make of it: Things went on every day, and ſpeech was of much Money to be raiſed out of ſome Counties; yet afterwards it was not ſo readily paid, as preferred; and at length ſome refuſed even in *London* it ſelf, and *Southwark*, beſides many Gentlemen of ſpecial rank, and ſome Lords, as it was ſaid. And though it was reported that they were but a contemptible company, yet the Priſons in *London* demonſtrated that they were not a very few, but perſons both of note and number. The Judges beſides concurring another way, That they could not allow the Legality of the Demand, and the Enforcement that is uſed thereupon, did ſomewhat puzzle me for being too buſie in promoting of that, for which I might one day ſuffer. Yet hitherto *I* remained ſilent, hoping that time would break that off, which was almoſt come to an abſolute period. But in ſtead of this, by the permiſſion of God, *I* was called up to the King to look clearly into the Queſtion. When the Allowance of *Sibthorp's* Pamphlet was put upon me, *I* then had ſome reaſon out of the grounds of that Sermon to fear, (and *I* pray God that my fear was in vain) that the Duke had a purpoſe to turn upſide down the Laws, and the whole Fundamental Courſes, and Liberties of the Subject; and to leave us not under the Statutes and Cuſtoms which our Progenitors enjoyed, but to the pleaſure of Princes; of whom, as ſome are gentle and benign, ſo ſome others, to ingreat themſelves, might ſtrain more then the ſtring will bear.

B

C

D

E

F

Beſides now it came in my heart, that I was preſent at the Kings Coronation, where many things on the Princes part were ſolemnly promiſed; which being obſerved would keep all in order, and the King ſhould have a loving and faithful people, and the Commons ſhould have a

An. 1626. a kinde and gracious King. The contemplation of these things made me stay my Judgment; not any unwillingness to do my Prince any dutiful service, whom I must and do honor above all the Creatures in the world, and will adventure as far for his true good, as any one whatsoever. But I am loth to plunge my self so over head and ears in these difficulties, that I can neither live with quietness of conscience, nor depart out of the world with good fame and estimation. And perhaps my Soveraign, if hereafter he looked well into this Paradox, would of all the world hate me, because one of my profession, age and calling, would deceive him, and with base flattery swerve from the truth. *The hearts of Kings are in the hand of God, and he can turn them as the rivers of water.*

The Archbishops observation concerning the rise of the Duke.

I draw to a conclusion: Only repute it not amiss, (because so much falleth in here) to observe a few words of the Duke of *Buckingham*, not as now he is, but as he was in his rising. I say nothing of his being in *France*, because I was not present, and divers others there be that remember it well; but I take him at his first repair to Court. King *James*, for many insolencies, grew weary of *Somerset*; and the Kingdom groaning under the Triumvirate of *Northampton*, *Suffolk* and *Somerset*, (though *Northampton* soon after died) was glad to be rid of him. We could have no way so good to effectuate that which was the common desire, as to bring in another in his room; One nail (as the Proverb is) being to be driven out by another. It was now observed that the King began to cast his eye upon *George Villiers*, who was then Cup-bearer, and seemed a modest and courteous Youth. But King *James* had a fashion, that he would never admit any to nearness about himself, but such a one as the Queen should commend unto him, and make some suit on his behalf; That if the Queen afterwards being ill intreated, should complain of this *Dear one*, he might make his answer, *It is long of your self, for you were the Party that commended him unto me.* Our old Master took delight strangely in things of this nature.

That Noble Queen (who now resteth in Heaven) knew her Husband well; and having been bitten with Favorites both in *England* and *Scotland*, was very shie to adventure upon this request. King *James* in the mean time more and more loathed *Somerset*, and did not much conceal it that his affection increased towards the other. But the Queen would not come to it, albeit divers Lords (whereof some are dead, and some yet living) did earnestly sollicit her Majesty thereunto. When it would not do, I was very much moved to put to my helping hand; they knowing that Queen *Anne* was graciously pleased to give me more credit then ordinary; which all her Attendants knew she continued to the time of her death. I laboured much, but could not prevail: The Queen oft saying to me; *My Lord, You and the rest of your Friends know not what you do: I know your Master better then you all; For if this Young man be once brought in, the first persons that he will plague must be you that labor for him, yea I shall have my part also; The King will teach him to despise and hardly intreat us all, that he may seem to be beholden to none but himself.* Noble Queen! how like a Propheteſs or Oracle did you speak!

Notwithstanding this we were still instant, telling her Majesty that the Change would be for the better: For, *George* was of a good nature, which the other was not; And if he should degenerate, yet it would be a long time before he were able to attain to that height of evil which the other

2 *Caroli.*

other had. In the end upon importunity Queen *Anne* condescended, and so pressed it with the King, that he assented thereunto: Which was so stricken while the Iron was hot, that in the Queens Bed-chamber the King Knighted him with the Rapier which the Prince did wear. And when the King gave order to swear him of the Bed-chamber, *Somerset*, who was near, importuned the King with a message, that he might be only sworne a Groom: But my self and others that were at the door, sent to
A her Majesty, that she would perfect her work, and cause him to be sworne a Gentleman of the Chamber. There is a Lord or two living that had a hand in this atchievement; I diminish nothing of their praise for so happy a work: But I know my own part best; and, in the word of an honest man, I have reported nothing but truth. *George* went in with the King; but no sooner he got loose, but he came forth unto me into the Privy-gallery, and there embraced me: He professed that he was so infinitely bound unto me, that all his life long he must honor me as his Father.
B And now he did beseech me that I would give him some lessons how he should carry himself. When he earnestly followed this chace, I told him I would give him three short lessons, if he would learn them. The first was, That daily upon his knees he should pray to God to bless the King his Master, and to give him *(George)* grace studiously to serve and please him. The second was, That he should do all good offices between the King and the Queen, and between the King and the Prince. The third was, That he should fill his Masters ears with nothing but Truth. I made him repeat
C these three things unto me, and then I would have him to acquaint the King with them, and so tell me when I met him again, what the King said unto him. He promised me he would; and the morrow after, Mr. *Tho. Murrey* the Princes Tutor and I standing together in the Gallery at *Whitehall*, Sir *Geo. Villeirs* coming forth and drawing to us, he told Mr. *Murrey* how much he was beholden unto me, and that I had given him certain Instructions; which I prayed him to rehearse, as indifferently well he did before us; yea, and that he had acquainted the King with them, who
D said, They were Instructions worthy of an Archbishop to give to a Young man. His countenance of thankfulness for a few days continued, but not long either to me, or any other his Welwishers. The Roman Historian *Tacitus* hath somewhere a note, That benefits while they may be requited seem courtesies; but when they are so high that they cannot be repaid, they prove matters of hatred.

Thus, to lie by me to quicken my remembrance, I have laid down the
E Cause and the Proceedings of my sending into *Kent*, where I remain at the writing of this Treatise: Praying God to bless and guide our King aright; To continue the prosperity and welfare of this Kingdom, which at this time is shrewdly shaken; To send good and worthy men to be Governors of our Church: To prosper my mind and body, that I may do nothing that may give a wound to my Conscience; and then to send me patience quietly to endure whatsoever his Divine Majesty shall be
F pleased to lay upon me; *Da quod jubes, & jube quod vis!* And in the end to give me such a happy deliverance either in life or death, as may be most for his glory, and for the wholsom example of others, who look much on the Actions and Passions of Men of my Place.

Amongst

An. 1627.

AMong those many Gentlemen who were imprisoned throughout *England* for refusing to lend upon the Commission for Loans, only Five of them brought their *Habeas Corpus*, viz. Sir *Thomas Darnell*, Sir *John Corbet*, Sir *Walter Earl*, Sir *John Heveningham*, Sir *Edward Hampden*.

In *Michaelmas* Term 3 *Caroli*, a Return was made of their several Commitments. [To instance only in one, all the rest being in the same form.] The Warden of the Fleet made this Return:

"That Sir *Walter Earl* Knight named in the Writ, is detained in "the Prison of the *Fleet* in his Custody, by special Command of the "King to him signified by Warrant of several of the Privy-Council, in "these words:

Whereas Sir Walter Earl *Knight was heretofore committed to your Custody, These are to will and require you still to detain him, letting you know that both his first Commitment, and direction for the continuance of him in Prison, were and are by his Majesties special commandment.*

From Whitehall, *Novemb.* 7. 1627.

Tho. Coventry, &c.

Sir *Thomas Darnell* was the first that was brought to the Bar upon that Writ; where the Kings Attorney-General Sir *Robert Heath* did inform the Court, that his Majesty told him, He heard that some of the imprisoned Gentlemen for the Loan did report, That the King did deny them the Course of Justice; And therefore his Majesty commanded him to renew the Writ of *Habeas Corpus*, lest they should not move for another themselves, by reason the Warden of the *Fleet* had not returned the first according to his duty.

To this Sir *Thomas Darnell* replied, That such words never came into his thoughts: And did humbly pray they might make no impression upon the Court to the disparagement of his Cause; for he was accused of that he was in no manner guilty of. Upon which Sir *Nicholas Hide* Chief Justice said, That he had made a fair and temperate Answer: And you may perceive (said the Chief Justice) the upright and sincere proceedings which have been in this business: You no sooner moved for a *Habeas Corpus*, but it was granted you; you no sooner desired Council, but they were assigned you, though any Council might move for you without being assigned, and should have had no blame for it: The Kings pleasure is, his Law should take place and be executed, and for that do we sit here; And whether the Commitment be by the King or others, this Court is the place where the King doth sit in person to do right, if injury be done: And we have power to examine it, and if it appear that any man hath wrong done him by his Imprisonment, we have power to deliver and discharge him; if otherwise, he is to be remanded by us to Prison again. And the Attorney-General, after the Chief Justice had spoken, said, Though this be a Case which concerns the King in an high degree, yet he hath been so gracious and so just, as not to refuse the Examination and Determination thereof according to the Laws of the Kingdom.

Then the Court proceeded to hear the Arguments made in the Prisoners behalf. Mr. *Noy* argued for Sir *Walter Earl*, Serjeant *Bramston* for Sir *John Heveningham*, Mr. *Selden* for Sir *Edward Hampden*, Mr. *Calthrop* for Sir *John Corbet*, who were all assigned of Council with the Prisoners by

3 *Caroli.*

by the Court of Kings-Bench, upon a Petition delivered by them to that purpoſe. After they had argued, Mr. Attorney had a day appointed to argue for the King. It is not our intention to take up the Readers time with the Arguments at large, either by the one ſide, or the other: We ſhall only hint unto you ſome generals, chiefly concerning the form of the Return of the Writ. The firſt Exception taken by the Council for the impriſoned Gentlemen, was to the form of the Return.

A 1. For that the Return is not poſitive, but referred to the ſignification made by another, (by the Lords of the Council.)

2. The Keepers of the Priſons have not return'd the Cauſe of the Commitment, but the Cauſe of the Cauſe; which they held not to be good.

3. That the Return of the Commitment is imperfect, for that it ſheweth onely the Cauſe of the detaining in Priſon, and not the Cauſe of the firſt Commitment.

Laſtly, That the Return is contradictory in it ſelf: For that in the firſt B part thereof it is certified, that the detaining of thoſe Gentlemen in Priſon is *per ſpeciale mandatum Domini Regis*; And when the Warrant of the Lords of the Council is ſhewn, it appeareth that the Commitment is by the command of the King ſignified by the Lords of the Council.

The ſecond general Exception was to the matter of the Return; and that was touching the Impriſonment, *per ſpeciale mandatum Domini Regis*, by the Lords of the Council, without any Cauſe expreſſed. Wherefore, ſaid Mr. *Selden*, by the conſtant and ſetled Laws of this Kingdom (without C which we have nothing) no man can be juſtly impriſoned either by the King or Council, without a Cauſe of the Commitment; and that ought to be expreſſed in the Return. The Law ſaith expreſly, No Free-man ſhall be impriſoned without due Proceſs of the Law: *Nullus liber homo capiatur vel impriſonetur niſi per legem terræ, &c.* And in the Charter of King *John* there are theſe words, *Nec eum in carcerem mittimus*, We will not commit him to Priſon; that is, *The King himſelf will not.*

This right (ſaid Serjeant *Bramſton*) is the onely means that a Sub- D ject hath whereby to obtain his Liberty; and the end of it is to return the Cauſe of the Impriſonment, that it may be examined in this Court whether the parties ought to be diſcharged or not: Which cannot be done upon this Return; for the Cauſe of the Impriſonment is ſo far from appearing particularly by it, that there is no Cauſe at all expreſſed. And the Writ requires that the Cauſe of the Impriſonment ſhould be returned, and the Cauſe ought to be expreſſed ſo far, as that it ought to be none of thoſe Cauſes for which by the Laws of the Kingdom the Subject ought E not to be impriſoned; and it ought to be expreſſed, that it was by Preſentment or Indictment, or upon Petition or Suggeſtion made unto the King. For (ſaid he) obſerve but the conſequence: If thoſe Gentlemen who are committed without any Cauſe ſhewn, ſhould not be bailed, but remanded; the Subjects of the Kingdom may be reſtrained of their Liberty for ever, and by Law there can be no remedy. We ſhall not reflect upon the preſent time and Government; but we are to look what may betide us in time to come hereafter. The Laws are called the great Inheri- F tance of every Subject, and the Inheritance of Inheritances, without which we have nothing that deſerves the name of Inheritance.

If upon a *Habeas Corpus* a Cauſe of Commitment be certified, then (ſaid Mr. *Noy*) the Cauſe is to be tryed before your Lordſhips; but if no Cauſe be ſhewn, the Court muſt do that which ſtandeth with Law and Juſtice, and that is to deliver the party. The Commons did complain in

Ed. 3.

An. 1627.

Ed. 3. his time, that the great Charter and other Statutes were broken; They desired, that for the good of himself and his people they may be kept and put in execution, and not infringed by making any Arrest by special command, or otherwise. And the Answer which was given them was this, That the said great Charter and other Statutes should be put in execution according to the Petition, without disturbance of Arrests by special command; And the King granteth the Commons desire in the same words as they were expressed in their Petition. And afterwards complaining again, That notwithstanding this Answer of the King, they were imprisoned by special command, without Indictment or other legal course of Law: The Kings Answer was upon another Petition unto him, That he was therewith well pleased; And for the future he added further, *If any man be grieved, let him complain, and right shall be done.* And forasmuch as it doth not appear to the Court, that there was any Cause of the Commitment of these Members, no Charge against them, no Indictment or Process according to the Laws: Wherefore Mr. *Noy* prayed they might be no longer detained in Prison, but be bailed or discharged.

Admit the Commitment of the Command of the King was lawful, yet, said Mr. *Calthorp*, when a man hath continued in prison a reasonable time, he ought to be brought to answer, and not to continue still in prison without being brought to answer; For that it appeareth by the Books of our Laws, that Liberty is a thing so favored of the Law, that the Law will not suffer the continuance of a man in prison for any longer time then of necessity it must: And therefore the Law will neither suffer the Party, Sheriffs or Judges to continue a man in prison by their power and pleasure. It doth speak of the delivery of a man out of prison with as reasonable expedition as may be: And upon this reason it hath been resolved, that howsoever the Law alloweth that there may be a Term between the *Teste* of an Original Writ, and the Return of the same, where there is only a Summons, and no Imprisonment of the body; yet the Law will not allow that there should be a Term between the *Teste* of a Writ of *Capias*, and the Return of the same, where the body of a man is to be imprison'd; insomuch that it will give no way that the party shall have power to continue the body of a man longer time in prison then needs must; so tender is the Law of the Subjects Liberty.

Monday the 27. of *November*, the Attorney-General argued for the King, That this was a very great Cause, and hath raised great expectation; and he was afraid that those Gentlemen whom it concerns, have rather advised their Councils, then their Councils them. For the first Exception, That the Return is not positive, but hath relation to some others; He did conceive it was positive enough: For (said he) the words are, *Quod detentus est sub custodia mea per speciale mandatum Domini Regis*: The other words [*mihi significatum*] they follow after, but are not part of the affirmation made before it. And if they will have it as they seem to understand it, then they must return the words thus; *Quod significatum est mihi per Dominos Privati Consilii, quod detentus est per speciale mandatum Domini Regis*; And then it had not been their own proper Return, but the signification of another, the Lords of the Council. The turning of the sentence would resolve this point; the thing it self must speak for it self: It is clear, it is a positive Return, that the detaining is by the command of the King; and the rest of the Return is rather satisfaction to the Court, then any part of the Return. And for the other Exception, That the Cause of the Cause is returned, and not the Cause it self; He said, Among the Logi-

3 Caroli.

Logicians there are two Cauſes; there is *Cauſa cauſans*, and *Cauſa cauſata*. The *Cauſa cauſans* here in this Caſe, is not the Warrant from the Lords of the Council, for that is *Cauſa cauſata*: But the primary and original Cauſe, which is *Cauſa cauſans*, is, *Speciale mandatum Domini Regis*; the other is but the Councils ſignification, or teſtification, or Warrant for him that made the Return. And for the other Exception, The Cauſe is imperfect, becauſe it ſhews only the Cauſe of detaining in Priſon, and not the Cauſe of the firſt Commitment; He conceives it is ſufficient for an Officer of the Law to anſwer, That the Writ is a Command to make a Return of the detaining of the Priſoner, and he accordingly makes a Return of the Detention; and if the Keeper of the Priſon had only ſaid they were detained *per ſpeciale mandatum, &c.* it had been good.

Then he proceeded to the matter of the Return, and to anſwer the Book-Caſes and Records that had been cited by the Council for the Priſoners, and to produce Preſidents on the Kings behalf; which are extant in Print, to which the Reader is referred.

Afterwards Sir *Nicholas Hide* Chief Juſtice, Juſtice *Dodderidge*, Juſtice *Jones*, and Juſtice *Whitlock* being upon the Bench, and Sir *John Heveningham* and the forementioned Priſoners being brought to the Bar, Sir *Nicholas Hide* Lord Chief Juſtice, by the conſent and direction of the Judges, ſpake to this purpoſe:

That the Court hath ſeriouſly conſidered what hath been ſpoken by either ſide, and are grown to a reſolution; And that his Brothers have enjoined him to deliver unto you the reſolution of the whole Court; And therefore (ſaid he) though it be delivered by my mouth, it is the reſolution of us all. I am ſure you expect Juſtice from hence, and God forbid we ſhould ſit here but to do Juſtice to all men according to our beſt skill and knowledge, as it is our oaths and duties ſo to do. But this is a Caſe of very great weight, and great expectation, and requires more ſolemn Arguments then the time will now permit. The Exceptions which have been taken to this Return, are two; the one for the form, the other for the ſubſtance. Firſt for the form, becauſe it is not returned, as they ſay, poſitively and abſolutely, but with reference to a Warrant of the Lords of the Council: Now the Court is of opinion, That this is a poſitive and abſolute Return, upon this reaſon, That the Keeper of the Priſon firſt returns, that they are detained by the ſpecial command of the King; And if they had ceaſed there, it had been poſitive: And for that which follows, That it was ſignified to him by the Lords of the Council, this is only to certifie the Court that he returned the Cauſe truly, and not to ſhew us that he had no knowledge of the Cauſe but by the ſignification of the Lords of the Council: There is not one word in the Writ that demands the cauſe why they were taken, but why they are detained. So that that point in the Writ is ſufficiently anſwered, which was only to certifie the cauſe of the detention: And therefore we reſolve, That the form of this Return is good.

The next thing is the main point in Law, Whether the ſubſtance or matter of the Return be good, or no? Where in the ſubſtance is this; He doth certifie that they are detained in Priſon by the ſpecial command of the King: And whether this be good in Law, or no, is the Queſtion. Here the Lord Chief Juſtice did mention the ſeveral Preſidents and Book-Caſes cited by each ſide, too long to be here related.

An. 1627.

And concluded, That that which is now to be judged by us, is this, Whether one that is committed by the Kings authority, and no Cauſe ſhewn of his Commitment, according as here it is upon this Return, whether we ought to deliver him by Bail, or to remand him back again? Where by the way you muſt know, that we can take notice only of *this Return*; That when the Caſe appears to us no otherwiſe then by the Return, we are not bound to examine the truth thereof, but the ſufficiencie of the Return: We cannot judge upon rumors or reports, but upon that which is before us on Record, which is examinable by us whether it be ſufficient, or not. A

Mr. *Attorney* hath told you, That the King hath done it; And we truſt him in great matters: And we make no doubt but the King, if you ſeek to him, knowing the cauſe why you are impriſoned, will have mercy; but we leave that, we muſt not counſel you: If in Juſtice we ought to deliver you, we would do it; But upon theſe grounds, Records, Preſidents and Reſolutions cited and produced, the Court is of opinion they cannot deliver you, but you muſt be remanded. B

Various Reports concerning the Army at *Rhee*.

Whilſt theſe Arguments about the Loan were in agitation, (which began in *October* in *Michaelmas*-Term) various Reports and Advertiſements came from the Iſle of *Rhee*: Sometime, That they were in a Treaty with the Duke to ſurrender the Citadel unto him; Others wrote, That it was but a device of the Governor to get time till Relief came: And many were diſſatisfied with the Preſents and Complements which paſſed between the Duke and the Governor of the Citadel; Civilities to an enraged Enemy (as was ſaid) ſeldom producing good effect. Beſides it was obſerved, the Governor by his frequent ſending out of Meſſengers (though in a military way with Drums and Trumpets) gave the Enemy advantage of ſeeing the Works and Army. But the Vulgar ſort at home ſpake more plainly of the miſcarriages at *Rhee*, how all things went there---*The clean contrary way*, C

It hath been obſerved, when things come to be *Vox populi*, it is commonly an ill preſage: But at this time, perſons of better quality and judgment gave out odd ſpeeches concerning Affairs at *Rhee*; *That the buſineſs could not go well at the Iſle of* Rhee; *That there muſt be a Parliament*; *That ſome muſt be ſacrificed, That Biſhop* Laud *was as like as any*. The Biſhop hearing of theſe ſpeeches, and that they were doubled, being ſpoken by ſeveral perſons, he acquainted the King therewith; who replied unto him, *Let me deſire you not to trouble your ſelf with any reports, till you ſee me forſake my other Friends, &c.* And the Parliament which afterwards followed (ſaid Biſhop *Laud*) ſought his ruine, which by the Kings ſudden diſſolution thereof was prevented, and the Kings other Friends by that means not forſaken. D E

A further Supply preparing for *Rhee*, and to be conveyed thither by the Earl of *Holland*.

Notwithſtanding theſe reports, the King is reſolved ſpeedily to ſet to Sea divers Ships with a further ſupply of Soldiers to be ſent to the Army in the Iſle of *Rhee*; and commands to preſs certain Companies of Soldiers and Mariners, who were to rendevouz at *Plymouth*, and from thence to be imbarqued and diſpoſed as aforeſaid. In order to which ſervice, the King by Commiſſion appointed the ſaid Soldiers and Mariners to be at preſent under the Command of *Charls* L. Vicount *Wilmot*: But afterwards his Majeſty by Commiſſion did conſtitute and appoint the Earl of *Holland* to repair to *Plymouth*, and there to take into his charge and under his command, the overſight, rule, order and go- F

vernment

vernment of all the ſaid Soldiers and Mariners both at Sea and Land, and to ſee them, and all Proviſions and Neceſſaries to be ſhipped, and with all conveniencie to be tranſported and conducted to the Iſle of *Rhee*; and a Squadron of Ships was alſo appointed for their tranſportation, and he was to deliver them under the command of the Duke of *Buckingham* Admiral of *England*, and General of the Army. 3 *Caroli.*

But before the Earl of *Holland* ſet ſail, let us ſee what they are doing at the Iſle of *Rhee*.

The firſt news we meet with there, is, That the *French* (notwithſtanding our Army at Land, and a hundred Sail of Ships at Sea) had got into the Harbor with relief of Proviſions: And that Sir *John Burroughs*, the 20. of *September*, going to take a view of the Works, was ſhot with a bullet, whereof he preſently dyed; His death was much lamented, having been a great Honor to the Engliſh Nation both at home and abroad. The Citadel at *Rhee* relieved. Sir *John Burroughs* ſlain.

About this time landeth Sir *Pierce Croſby*, and ſome other Commanders, with about Sixteen huudred *Engliſh* and *Iriſh*, which came as an Aſſiſtance to the Forces before *Rhee*. And now *Toras* the Governor began to foreſee want, notwithſtanding his late ſupply, and to ſtudy all ways and means how to give advertiſement to the King of *France* of the low condition he was reduced unto. *Sandgrein*, a Frenchman, adventured out of the Citadel, and privately eſcaped the Guards, and got with Intelligence to the King of *France*: Yet *Toras* fearing leſt he might miſcarry, prevailed with three of his men, promiſing large rewards, to adventure their lives, and to ſwim to the ſhore of the main Continent: Two miſcarried, but the third got ſafe, and delivered the Meſſage which the Governor entruſted him with. In the mean time more ſmall Veſſels got into the Harbor under the Citadel, and was a further (though ſmall) Supply unto them. *Toras* ſends intelligence to the King of *France*.

But the King of *France* was extremely allarm'd by the advertiſement from *Toras*, and thereupon blocks up *Rochel* with his Army, as if he had deſigned the taking of it; but the main end in ſeeming to deſign the Army againſt *Rochel*, was thereby to take the opportunity to be near at hand to land Forces under the favor of the Little-Fort, ſo much neglected at firſt, and to put Victuals into the Citadel at S. *Martins*, which was at that time reduced to a low condition. And the ſame was effected time after time, and ſupplies of men and victuals got in, notwithſtanding the Engliſh Guards at Land and Sea, which now and then took ſome of the Veſſels; but nevertheleſs ſo much proviſion got in, as ſerved their occaſion in the Citadel to the end of the Siege.

Now the *Rochellers*, after they had in vain continued promiſes of obedience to the King of *France*, and entertained a diviſion among the Proteſtants, one Party croſſing another, and finding the evil conſequence of the diviſion, they put forth a *Manifeſto*, and declare for *England*; and the Duke of *Rhoan* having given Commiſſions to raiſe Forces to aſſiſt the *Engliſh*, declareth in preſervation of the Edict of two Peaces, and proteſteth not to demand any thing but the obſervation of the ſaid Edicts. On the other part the King of *France* declareth and promiſeth, That he will on his part obſerve the ſaid Edict: And further declares the Duke of *Rhoan* to be drawn to death; and declares *Sobiez* a Traitor, and that he that ſhould kill him, ſhould be accounted Noble. The *Rochellers* at laſt declare for *England*.

An. 1627.

A Treaty for Surrender between the Duke and *Toras*.

By this time the *French* had got a great supply of Shipping from the *Spaniard* for their assistance, which with their own made up above a hundred Sail, (exceeding the English Navy in number) yet did avoid engaging with the English Fleet, exercising all their skill and art how to get in a good and round supply of Provision into the Citadel; and *Toras* the Governor employed his wit to gain time to that end, by entertaining a Treaty of Surrender upon honorable terms; and prevails with the Duke that he may first send to the King of *France*, that he might come off with honor. The Duke consents thereunto, on condition that an English Gentleman, an Attendant upon the Duke, might go with that Party which *Toras* sent, and have a safe conduct through *France* to pass into *England*. And so they both go to the Court of *France*, where the English Gentleman was secured, but the Party whom *Toras* sent did his errand, and no doubt gave the King of *France* a perfect account of their condition in the Citadel; whilst the English Gentleman was detained that he could not do the like service for the King of *England*, in delivering to him what he had in command from the Duke. The French Gentleman returns to the Ledgure at S. *Martins*; but by reason the English Gentleman was not permitted to go for *England*, the Frenchman was not permitted to go again into the Citadel.

The Citadel relieved again.

Toras again renews the Treaty, pretending that if he had not Relief such a day by such an hour, he would surrender: And spun out the time so long, that in good earnest Relief got in both of men, victuals and ammunition; and the same Vessels which brought the Relief, carried away the sick and wounded, and unserviceable men in the Citadel. So the Treaty proceeded no further; and the Enemy holds upon their Pike-heads Mutton, Capons, Turkies, &c. to let the English see they had no want. Now we go to work with Mine and Battery; And presently also comes news, that the French had landed more Forces near the *Meadow-Castle*, (a place also at the first neglected, though then unmanned) And orders are given to draw out men (leaving the Trenches unguarded) to encounter the French that were landed: Which was performed with some reasonable success; but the Enemy got security under the Castle, and thereupon the English retreated, and were enforced to fight to recover their Trenches, which the Enemy had now possessed, and many mens lives were lost in the regaining thereof.

A Retreat resolved on.

This last refreshment of the Enemy (being about the middle of *October*) caused the Duke to enter into Council, and to think of a resolution for a Retreat, which he communicated to *Sobiez*, and tells him further, That the season is past, his Army diminished, his Victuals consumed, and his Council of War had judged it fitting to retire. *Sobiez* answered the Duke, That the Earl of *Holland's* Fleet was coming with Supplies; that the Relief given was not considerable; that the Retreat would draw after it the loss of *Rochel*, and thereby make *Sobiez* guilty of the ruine thereof; but above all, it would bring an irreparable prejudice and dishonor upon his Master of *Great Britain*, that had made an Enterprise of so little honor and profit. Upon this the Duke continues the Siege, and shortly after resolves to storm the Citadel and Works; to which (it was said) the English Commanders were much averse, but the French Commanders were zealous for it: And so for a farewell, *November* 6. a vain Attempt was made on all sides of the Citadel. In short, we lost men and honor; for the Fort was unaccessible, besides well manned with fresh supplies of men newly put in: And having left many dead and hurt, we were forced

Sobiez against it.

The Citadel stormed.

3 *Carol.*

forced to retire. This ill success, with the advise given that the Troops of the other Forts did increase, (the French, notwithstanding our Shipping, pouring their Forces amain into the Island) hastened the Duke to raise the Siege and to retreat, to ship his men again for *England*.

The Army retreats.

Novemb. 8. early in the morning the Drums beat, and the Army prepares for a March; but scarce had the Rearguard come out, but the Troops of the Enemy appeared equal in number for Foot, and far stronger in Horse, which the Enemy had (during the Siege) landed in the Island under the favor of the Little-Fort, and the Meadow-Castle, (the two places so strangely omitted at the first to be possessed by the English:) Yet notwithstanding their strength, and the advantage of falling upon an Army on a retreat, which had endured much hardship and received many discouragements, would not the Enemy engage in plain field, when the Duke several times drew up the Army in their march, and made a stand in hopes of a Battel. But the wary French Commander shunned the hazard of Fight on equal terms, foreseeing a greater advantage with less hazard: For no sooner were the English entred into the Narrow Causey and Lane, having on each hand deep ditches and Salt-pits, but the Enemy observed the advantage, and that the English had neglected to raise a Fort at the entry of the Causey to secure their retreat, and (yet worse) that they had not raised a Fort at the further end thereof near the Bridge to secure the passage over it, but had only raised a small Work not tenable on the further side of the Bridge, whereupon the Enemy advanced with great fury on a weak Rearguard of Horse, and quickly put them to a retreat; who in that Narrow Causey disordered the Foot, and the Enemy thereby took the advantage, followed close and did much execution upon the English: Those who escaped the sword, were drowned in the Salt-pits and Ditches; and the Crowd was so great on the Bridge, (the Enemy pursuing them over) that many Englishwere drowned in the River. Yet in this discomfited condition the English took courage, faced about, rallied their Forces, made up a smart body, that drew up to fight the Enemy; but the French (not daring to engage but upon great advantage) were enforced to retreat over the Bridge. The English lost several hundreds of men, and many Colors, and great was their dishonor: The loss of the men was not so great, as that they were left upon so unequal terms, where the proof and valor of an Englishman could not put forth it self.

The Enemy engageth the Rear of the Army.

Novemb. 9. the Army was shipped, and the Duke promiseth the *Rochellers* to come again to their relief, and presently after set sail for *England*, meeting with the Earl of *Holland* as he was setting out of *Plymouth* coming with a Supply.

And now every man passeth his censure upon this Expedition: Some laying the fault upon the Duke, (1) For being too slow in his march after the first landing, whereby the Enemy got in provision and heartned his men. (2) In being too remiss during the Siege, in not preventing provisions for going into the Citadel, by doubling Guards at Land and Sea, when the wind stood fair. (3) In omitting to take in the Little Fort, from whence (as it was said) proceeded all the misery that afterwards followed. (4) In retreating before all things were certainly prepared in order to a secure march in narrow places and passages. The Duke pleaded for himself, That he acted for the most part by the advice of a Council of War; and if Orders were given, and not observed, it was not his fault. That had the Earl of *Holland* come with a Supply of shipping, men and victuals, so soon as he might and ought to have done, he had then without doubt so narrowly

Several opinions concerning this Expedition.

An. 1627.

rowly blocked up the Harbor to the Citadel by Sea, that no Proviſion ſhould have got into it. The Earl of *Holland* anſwered for himſelf, That when he was ready to have gone aboard the Fleet at *Plymouth*, the Ships with Proviſion were not come out of *Chatham*, and when the Proviſions were ſhipt, time was ſpent before he could get them to a Rendevouz; and when they were come to a Rendevouz, and he ready to ſet ſail with the whole Fleet, the winds proved contrary. But ſome of the chief Commanders when they came into *England*, ſpake ſomwhat loudly of other miſcarriages at *Rhee*, pleading much on the behalf of the Council of War. A

The miſfortune of *Rhee*-Expedition, cauſeth a clamor in the Nation.

And now when the unfortunate Action of *Rhee* was known and publiſhed throughout the Nation, the cry of the People was ſo great, and the Kings neceſſities ſo preſſing, that it was in every mans mouth, A Parliament muſt needs be ſummoned. For we have now provoked two potent neigbor Kings, and near Enemies; our Coaſts and Ports were unguarded, our able Commanders worne away or not imployed: The Mariners come in multitudes to the Court at *Whitehall*, in great diſorder and confuſion crying out for Pay, and much ado there was to appeaſe them: The Enemies come into our Harbors, ſurvey our Rivers, and the Fiſhermen can ſcarce look out: A vaſt number of our Ships have been loſt and taken in the three years paſt, and the Merchants ceaſe to build more, becauſe they were preſt for the Kings ſervice at a low rate, and not paid; and the Mariners flee from their own imployment, fearing to be preſt again; And our Enemies grow upon us, eſpecially in the Eaſtern Countries. B

We give you here a brief Account of ſuch Arrearages as were behind and unpaid for Freight of Ships, Seamens Wages, and Materials for Shipping, in the Years 1625, 1626, & 1627. C

A Liſt of Arrearages for freight of ſhips and Sea-mens wages.

	l.	*s.*	*d.*
For freight of Merchants and *Newcaſtle*-Ships imployed in his Majeſties ſervice, and for ſeveral Bills of proviſions yet unpaid in the years 1625, & 1626, according to the former Eſtimates & Privy-ſeals paſſed for the ſame	60000-	00-	00
For the freight of ſundry Merchants and *Newcaſtle*-ſhips imployed in his Majeſties ſervice to the Iſle of *Rhee* and other places, in the year 1627	19560-	12-	04
For Seamens wages in the ſame year 1627, ending the laſt of this moneth	61957-	19-	08
The repairing of the Hulls & Maſts of the ſaid Ships to make them fit only for imployment in the Narrow-Seas, together with repair, and for ſetting forth of the *Noſtre-dame* and *Sea-waller*, two Priſe-ſhips	05761-	10-	04
For repairing the ſaid Ships mentioned in the margin, for their Hulls, Maſts, &c. at 1000 marks apeece	08000-	00-	00
For ſupply of 700 Tuns of Cordage taken out of his Majeſties Stores, for furniſhing to Sea of ſeveral Fleets, at 26*l.* 13*s.* 4*d.* *per* Tun, being demanded upon ſeveral Eſtimates to be made good at the end of each ſervice, and yet unpaid	18666-	13-	04
Beſides theſe Arrears, there were Demands made by the Navy for ſupplying the Stores with Maſt, Timber, Plank, Deal, Sales, Ropes, Tar, Tallow, Iron, Anchors, &c. the Sum of	26000-	00-	00

Anne-Royal.
Repulſe.
Aſſurance.
Nonſuch.
Waliſpite.
Adventure.
Triumph.
Victory.
S. George.
S. Andrew.
Rainbow,
Vantguard.
Red-Lion.
S. Eſperite.
Gard-Land.
Convelline.
Antelop.
Entrance.

D E F

The

3 *Caroli.*

The *Rochellers*, after the Dukes arrival in *England*, ſent their Deputies to his Majeſty for ſuccor and relief in their diſtreſſed condition, and preſented their Deſires in nature of a Remonſtrance to the King and the Lords of the Council; wherein they gave his Majeſty moſt humble thanks for the great aſſiſtance and comfort they had received by the Fleet ſent in *July* laſt, whereof the Duke of *Buckingham* was Admiral, which would have been of greater aſſiſtance unto them, had the ſeaſon of the year permitted their ſtay longer there, or that the ſupply of Victuals and Ammunition had come unto them which his Majeſty had aſſigned. That they are given to underſtand, that there is application made to the King of *Denmark* to propound the making of a Peace between the two Crowns of *England* and *France*, a thing to be wiſhed (if really intended:) But the Proceedings of *France* with the Reformed Churches there, hath hitherto been ſuch, as when they ſpake moſt fair, and nothing but Peace uttered, nothing leſs was intended, and great advantages thereby have been taken againſt the Reformed Churches. But in caſe the Treaty do proceed, they humbly prayed, that then his Majeſty will be pleaſed to inſiſt upon the Capitulation which was made upon his mediation, and for which he paſſed his word that the Reformed Churches ſhould perform on their part, which they kept inviolable till there were Forces placed and kept in Forts againſt them contrary to Capitulation, and more Forces drawn down in order to the reduction of the Remonſtrants, and a Fleet unexpectedly come upon them to deſtroy their Navigation, when nothing on their part was offered in violation of the Treaty.

They did further remonſtrate, That now the Forces of *France* are breaking down apace about them totally to block them up by Land, and do intend to make a Barracado croſs the Channel, leaving a narrow paſſage for the flux and reflux of the Sea, and by that means to ſtop all manner of Proviſions by Sea; which evidently remonſtrates their further ruine, if they with all expedition have not ſuccor and help from his Majeſty of *Great Britain:* For their neceſſities and ſtraits are very great already, by reaſon their Magazines are conſumed, their monies ſpent, and the Inhabitants reduced to ſmall allowances. And therefore do beſeech his Majeſty with all poſſible diligence to ſend them ſupply of all ſorts of Proviſions fit for a Siege, and to ſuccor them once more with the Navy-Royal to interrupt the blocking up of the River, otherwiſe they are inevitably loſt. And laſtly they did humbly beſeech his Majeſty and the Lords of his Council to have alſo ſo far pity of their indigencie and need, as to permit a General Collection to be made in *England* and *Scotland*, of ſuch perſons whom God ſhall move to contribute to their ſuccor and relief. And declare that they are reſolved ſtill to hold out, hoping yet a Relief would come that might be of advantage unto them; and they were aſſured thereof by the Duke of *Buckingham* at his departure, that he would once more come in perſon to their aſſiſtance.

In this ſtate of Affairs, it is ſaid, Sir *Robert Cotton* being thereunto called, preſented his Advice to certain Lords of the Council in manner following.

Sir *Robert Cotton's* Advice touching the preſent ſtate of affairs.

AS ſoon as the Houſe of *Auſtria* had incorporated it ſelf with *Spain*, and by their new Diſcoveries gotten to themſelves the Wealth of the *Indies*, They began to affect, and have ever ſince purſued a Fifth Monarchy. The Emperor *Charls* would lay the firſt Foundation of *Italy*, by

An. 1627. by surprising *Rome*: From this he was thrust by force, and respect of Religion, *Hen.*8. being made *Caput Fœderis* against him. He then attempted *High-Germany*, practising by faction and force to reduce them first to Petty States, and so to his absolute power: In this *Hen.*8. again prevented him, by laying the Lutheran Princes under his Confederacie and assistance. His Son the Second *Philip* pursued the same Ambition in the *Netherlands* of *Germany*, by reduction whereof he intended to make his way further into the others. This the late Queen of *England* interrupted, by siding A with the afflicted people on the one part, and making herself the Head of the Protestant League with the Princes on the other part, drawing in secret of State the countenance of *France*, to give the more reputation of assistance to them, and security to it self.

Spain seeing his hopes thus fruitless by these Unions, and streights, began first to break, if he might, the Amity of *France* and *England*: But finding the Common danger to be a fast tie, he raiseth up a party in that Kingdom of his own; by which the French King was so distressed, B that had not the English Council assisted and relieved him, *Spain* had there removed that next and greatest Obstacle of his Ambition.

His Council now tells him from these examples, That the way to his great work is impossible, so long as *England* lay a let in his way; And adviseth him, that the remove of that Obstacle be the first of his intents. This drew on those often secret practises against the person of the Queen, and his open fury in *Eighty Eight* against the body of the State: which she perceiving, following the advice of a free Council, would never C after admit of a Peace; winning thereby the hearts of a loving people, who ever found hands and money for all occasions at home, and keeping sacredly all her Alliances abroad, securing to her Confederates all her time freedom from fear of Spanish slavery, and so ended her old and happy days in glory.

Spain then, by the wisdom and power of that great Lady, despoiled so of his means to hurt, though not of his desires, makes up with her Peaceful Successor of happy memory that Golden League; That dis- D arming us at home by the opinion of Security, and giving them a power in our Councils by believing their Friendships and pretended Marriage, gave them way to cherish amongst us a Party of their own, and benefit of power abroad to lead in Jealousie and some division between us and our Confederates: By which we see they have swallowed up the Fortune of your Majesties Brother's Estate, with the rest of the Imperial States; distressed the King of *Denmark* by that quarrel; diverted *Sweden's* as- E sistance by the Wars with the *Pole*, and moving them now with offer of the Danish Crown; And now (whether from the Plot of our Fatality) hath cast such a bone between *France* and us, as hath made themselves by our quarrel of Religion a fast Confederate, and us a dangerous Enemy. So as now we are left no other assurance against their malice and ambition, but the *Netherlands*, where the tie of mutual safety is weakned by daily discontents bred and fed between us by some ill-affected to both our securities, that from the doubtfulness of friendship as we now stand, we may rather suspect from our own domestick Faction, if they grow too F furious, they will rather follow the example of *Rome* in her growing (that held that equal safety, honorable and more easie, *dare regnum*, then *subjugare provinciam*) considering the power they have in their hands, then to give any friendly assistance to save the present condition of a State. You may therefore see in what terms we stand abroad, and I fear we are

at

3 Caroli

at home for reſiſtance in no better ſtate. There muſt be to withſtand a Forein Invaſion, a proportion both of Sea and Land-Forces: For to give an Enemy an eaſie paſſage, and a Port to relieve him in, is no leſs then to hazard all at one ſtake.

And it is to be conſidered, That no March by Land can be of that ſpeed to make head againſt the landing of an Enemy. Then that follows, That there is no ſuch prevention, as to be Maſter of the Sea. To this point of Neceſſary Defence, there can be no leſs then Two hundred and forty thouſand pounds.

For the Land-Forces, if it were for an Offenſive War, the men of leſs livelihood were the beſt ſpared; and we uſed formerly to make ſuch War *Purgamenta reipub.* if we made no further purchaſe by it. But for the ſafety of a Commonwealth, the wiſdom of all times did never intruſt the Publick Cauſe to any other then to ſuch as had a portion in the Publick Adventure. And that we ſaw in *Eighty Eight*, when the care of the Queen, and of the Council, did make the body of that large Army no other then of the Trained Bands, which with the Auxiliaries of the whole Realm, amounted to no leſs then Twenty four thouſand men. Neither were any of theſe drawn from forth their Country and proper habitations, before the end of *May*, that they might be no long grievance to the Publick; ſuch Diſcontentments being to us a more fatal Enemy, then any Forein forces.

The careful diſtributing and directing of their Sea and Land-forces, being more fitting for a Council of War, then a private man to adviſe of, I paſs over; yet ſhall ever be willing and ready, when I ſhall be called, humbly to offer up ſuch Obſervations as I have gathered by the former like occaſion in this Realm.

To make up this Preparation, there are requiſite two things, Money, and Affections; for they cannot be properly ſevered. It was well and wiſely ſaid of that great and grave Councellor the Lord *Burleigh* in the like caſe, to the late Queen; *Win hearts, and you have their hands and purſes.* And I find that of late, Diffidence hath been in the one, and hath unhappily prevented the other.

In gathering then of Money for this preſent need, there are three things requiſite, *Speed*, *Aſſurance*, and *Satisfaction*; And the way to gather (as in other like caſes hath been done) muſt be by the path-way formerly called *Via regia*, being more ſecure and ſpeedy: For by unknown and untrodden ways, it is both rough and tedious, and never ſucceedeth well. This laſt way, although it took place as it were by a Supply at firſt, and received no general denial, yet ſince, it hath drawn many to conſult with themſelves and others in the conſequence, as it is now conceived a preſſure on their Liberties, and againſt Law. I much fear, if that now again it be offered, either in the ſame face, or by Privy-ſeal, it will be refuſed wholly. Neither find I that the reſtraint of the Recuſants hath produced any other effect, then a ſtiff reſolution in themſelves and others to forbear. Beſides, although it were at the firſt with ſome aſſurance, yet when we conſider the Commiſſions and other forms incident to ſuch like ſervices, as that how long it hangs in hand, and the many delays that are, we may eaſily ſee that ſuch a Sum granted by the Parliament, is far ſooner and eaſier levied.

If any will make the ſucceſſion of times to produce an inevitable neceſſity to enforce it if denied, whether in general by Exciſe or Impoſition, or in particular on ſome ſelect perſons, which is the cuſtom of

An. 1627. some Countries, and so conclude it, as there, for the Publick State, *suprema lege*; He must look for this to be told him, That seeing Necessity must conclude always to gather Money, 'tis less speedy or assured then that by a Parliament: The success attendeth the humor of the heedless Multitude, that are full of jealousie and distrust, and so unlike to comply to any unusual Course of Levy, but by force; which if used, the effect is fearful, and hath been fatal to the State. Whereas that by Parliament resteth principally on the Regal person, who may with ease and safety mould them to his fit designs by a gracious yielding to their just desires and Petitions. A

If a Parliament then be the most speedy assurance and safe way, it is fit to conceive what is the fairest way to act and work that to the present need.

First for the time of usual Summons, Forty days, reputed to be too large for this present Necessity, it may be by dating the Writs lessened, since it is no positive Law; so that a care be had that there may a County-day after the Sheriff hath received the Writ, before the time of sitting. If then the Sum to be levied be once granted and agreed of for the time, there may be in the body of the Grant an Assignment made to the Knights of every County respectively, who under such assurance may safely give Security proportionable to the Receipts, to such as shall adventure in present for the Publick service any Sums of money. B

The last and weightiest Consideration, if a Parliament be thought fit, is, How to remove or comply the Differences between the King and Subjects in their mutual demands. And what I have learned amongst the better sort of the Multitude, I will freely declare, that your Lordships may be the more enabled to remove, and answer those Distrusts, that either concern Religion, publick safety of the King and State, or the just Liberty of the Commonwealth. C

Religion is a matter that they lay neareſt to their Consciences, and they are led by this ground of jealousie to doubt some practises against it. First, for that though the Spanish Match was broken by the careful industry of my Lord of *Buckingham*, out of his religious care (as he then declared) that the Articles there demanded might lead to some such Sufferance as might endanger the quiet, if not the state of the Reformed Religion here; yet there have (when he was an Actor principal in the Conditions of *France*) as hard, if not worse to the preservation of our Religion, passed, then those with *Spain*. And the suspect is strengthened by the close keeping of this Agreement, and doubt in them of his affection, in that his Mother and others, many his Ministers of near imploiment about him are so affected. D E

They talk much of his advancing men Popishly devoted, to Places in the Camp of neareſt service and chief Command; and that the Renfants have got these late years by his power, more courage and assurance then before.

If to clear these doubts, (which perhaps are worse in fancie then in truth) he take a course, it might much advance the Publick service against the squeamish humors, that have more of violent Passion then of setled Judgment, and are not the least of the opposite number in the Commonwealth. F

The next is, The late misfortunes and losses of Men, Munition, and Honor in the late Undertakings abroad; which the more temperate spirits impute to want of Council, and the more sublime Wits to Practice.

They

3 *Caroli.*

They begin with the *Palatinate*, and lay the fault of the loſs thereof on the imputed Credit of *Gondomar*, diſtruſting him for the ſtaying of ſupply to Sir *Horatio Vere*, when Colonel *Cecil* was caſt on that imployment; by which the King of *Spain* became Maſter of the Kings Childrens Inheritance. And when Count *Mansfield* had a Royal ſupply of Forces to aſſiſt the Princes of our party for the recovety thereof, either Plot or Error defeated the enterpriſe for us to *Spains* advantage. That
A Sir *Robert Mansfields* Expedition to *Algiers*, ſhould purchaſe only the ſecurity and guard of the Spaniſh Coaſts.

To ſpend many Hundred thouſand pounds in the *Cadiz*-Voyage, againſt the Advice in Parliament, only to warn the King of *Spain* to be in readineſs, and ſo our ſelves weakned, is taken for a ſign of an ill affection amongſt the Multitude.

The ſpending of much Munition, Victuals and Money, in my Lord *Willoughbies* Journey, is counted an unthrifty error in the Director of
B it; To diſarm our ſelves in fruitleſs Voyages, may ſeem a plot of danger.

It was held not long ago a fundamental Rule of our Neighbors, and our Security, by the old Lord *Burleigh*, That nothing can prevent the Spaniſh Monarchy, but a Faſtneſs of thoſe two Princes, whoſe Amity gave countenance and courage to the *Netherlands* and German-Princes to make head againſt his Ambition. And we ſee, by this diſunion, a fearful Defeat hath happened to the King of *Denmark* and that party, to the
C advantage of the Auſtrian Family.

And this waſte of Publick Treaſure in fruitleſs Expeditions, will be an important Cauſe to hinder any new Supply in Parliament.

Another fear that may diſturb the ſmooth and ſpeedy paſſage of the Kings deſires in Parliament, is the vaſt waſte of the Kings livelihood; whereby is like, as in former times, to ariſe this jealouſie and fear, That when he hath not of his own to ſupport his ordinary Charge, for which the Lands of the Crown were ſetled unalterable, and called *Sacrum pa-*
D *trimonium Principis*, that then he muſt needs of neceſſity reſt upon thoſe aſſiſtances of the people, which ever were only collected and conſigned for the Commmonwealth; from whence it is like there will be no great labor and ſtiffneſs, to induce his Majeſty to an Act of Reſumption; ſince ſuch deſires of the State have found an eaſie way in the will of all Princes, from the Third *Henry* unto the laſt.

But that which is like to paſs the deepeſt into their Diſputes and care, is the late Preſſures they ſuppoſed to have been done upon the
E Publick Liberty and Freedom of the Subject, in commanding their Goods without aſſent by Parliament, impriſoning and confining their Perſons without ſpecial Cauſe declared, and that made good againſt them by the Judges lately, and pretending a Writ to command their attendances in Forein war; All which they are like to enforce as repugnant to any poſitive Laws, Inſtitutions, and Cuſtomary Immunities of this Commonwealth.

And theſe dangerous diſtaſtes to the people are not a little improved
F by the unexampled courſe, as they conceive, of retaining an Inland Army in Winter-ſeaſon, when former times of general fear, as in *Eighty eight*, produced none ſuch; And makes them in their diſtracted fears to conjecture idly, it was raiſed wholly to ſubject their Fortunes to the will of Power, rather then of Law; and to make good ſome further breach upon their Liberties and Freedoms at home, rather then defend us from

An. 1627.

any force abroad. How far such Jealousies, if they meet with any unusual disorder of lawless Soldiers, are an apt distemper of the loose and needy Multitude, which will easily turn away upon any occasion in the State that they can side withall, as a glorious pretence of Religion and Publick safety, when their true end will be only rapine and ruine of all, is worthy a prudent and preventing care.

I have thus far delivered, with that freedom you pleased to admit, such Difficulties as I have taken up amongst the Multitude, as may arrest, if not remove Impediments to any Supply in Parliament. Which how to facilitate, may better become the care of your Judgments, then my Ignorance.

Only I could wish to remove away a personal distaste of my Lord Duke of *Buckingham* amongst the people: He might be pleased, if there be a necessity of a Parliament, to appear first Adviser thereunto, and of the satisfaction it shall please his Majesty of grace to give at such time to his people; which I would wish to be grounded by president of his best and fortunate Progenitors; And which I conceive will satisfie the desires and hopes of all, if it may appear in some sort to be drawn down from him to the people, by the zealous care & industry that my Lord of *Buckingham* hath of the publick unity and content. By which there is no doubt but he may remain not only secure from any further quarrel with them, but merit a happy memory amongst them of a zealous Patriot. For, to expiate the passion of the people, at such times, with sacrifice of any of his Majesties Servants, I have found it —as in *Ed.* 2. *Rich.* 2. *Hen.* 6.— no less fatal to the Master, then to the Ministers in the end.

A resolution to call a Parliament.

These and such like Considerations being represented to the King, *Jan.* 29. A Resolution is taken at the Council-Table, to call a Parliament, to meet the 17. of *March* following. And now Warrants are sent according to a preceding Order made in this moneth, to all parts, to release the Imprisoned Gentry, and confined Gentlemen, for the business of the Loan-money: And as fast as Writs came to the Counties and Boroughs to choose Members for Parliament, those Gentlemen who suffered for the Loan were chiefly in the Peoples eye to be elected to serve for them in the ensuing Parliament, to present their Grievances, and assert their Liberties.

The Names of the Gentry, who about the time that Writs issued out for a Parliament, were released out of Restraint and Confinement, appear by the ensuing Order and List.

At *Whitehall:*

Present, *The Kings Majesty,*

Lord Treasurer,	*Lord Viscount Conway,*
Lord President,	*Lord Bishop of Durham,*
Lord Admiral,	*Lord B. Bath and Wells,*
Lord Steward,	*Mr. Treasurer,*
Lord Chamberlain,	*Mr. Comptroller,*
Earl of Suffolk,	*Master of the Wards,*
Earl of Dorset,	*Mr. Secretary Cook,*
Earl of Salisbury,	*Mr. Chancellor of the Exchequer,*
Earl of Morton,	*Mr. Chancellor of the Duchy.*

It

3 *Caroli.*

Order of the Council to set at liberty the Gentry imprisoned for the Loan-money.

IT is this day Ordered by his Majesty being present in Council, That the several persons hereunder written, shall from henceforth be discharged and set at liberty from any Restraint heretofore put upon them by his Majesties Commandment: And hereof all Sheriffs and other Officers are to take notice.

A	*Sir John Strangewayes*	Knights.	*William Anderson*	Esquires.
	Sir Thomas Grantham		*Terringham Norwood*	
	Sir William Armin		*John Trigonwell*	
	Sir William Massam		*Thomas Godfrey*	
	Sir William Wilmore		*Richard Knightley*	
	Sir Erasmus Draiton		*Thomas Nicholas*	
	Sir Edward Aiscough		*John Hampden*	
	Sir Nathanael Barnardiston		*George Ratcliffe*	
	Sir Robert Poyntz		*John Dutton*	
B	*Sir Beacham St. John*		*Henry Pool*	
	Sir Oliver Luke		*Nathanael Coxwell*	
	Sir Maurice Berkley		*Robert Hatley*	
	Sir Thomas Wentworth		*Thomas Elmes*	
	Sir John Wray			
	Sir William Constable		*Thomas Wood*	Gent.
	Sir John Hotham		*John Wilkinson*	
	Sir John Pickering		*William Allen*	
C	*Sir Francis Barrington*		*Thomas Holyhead*	
	Sir William Chancey			

All these remained confined to several Counties.

	Sir Walter Earl	Knights.	*Sir John Corbet*	Knights.
	Sir Thomas Darnell		*Sir John Elliot*	
	Sir Harbotle Grimston		*William Coriton*	Esquire.
	George Catesby	Esquire.	*John Stevens*	Londoners.
	Edward Hooker	Londoners.	*Thomas Deacon*	
D	*George Basset*		*John Potter*	
	James Wooldrond		In the *Gate-house.*	
	Henry Sanders			
	All Prisoners in the *Fleet.*			
	Sir John Heveningham	Knight.	*William Savage*	
	Samuel Vassal	Londoners.	*Mathanael Manesty*	
	William Angel		In the *New-Prison.*	
E	In the *Marshalsey.*			
	Robert Lever	Londoners.	*Ambrose Aylot*	
	John Peacock		*Thomas Sharp*	
	Edward Ridge		*Thomas Totham*	
	John Oclabery		*Augustine Brabrook*	
	Andrew Stone		*Robert Payne*	
	William Spurstow		*Edward Talston*	
F	*Roger Hughes*		*John Whiting*	
	John Pope		*Thomas Webb*	
	James Bunch		*John Ferry*	
	Thomas Garris		All in the Custody of a Messenger.	
	James Waldron			
	John Bennet			

Orders

An. 1627.

A Parliament ſummoned.

A Commiſſion for Impoſitions.

Thirty thouſand pounds paid to *Burlemach* to be returned by Bill of Exchange, to raiſe Forein Forces.

Orders iſſued alſo from the Council to the Lord Major and Aldermen of *London*, To uſe moderation in the demanding of the Loan-money from thoſe of the City of *London* who deferred paiment. And now Archbiſhop *Abbot*, the Earl of *Briſtol*, and the Biſhop of *Lincoln*, notwithſtanding the cloud they were under, are had in conſideration by the King and Council, and Writs are ordered to be ſent unto them to ſit in the Houſe of Peers the enſuing Parliament.

After the Writs of Summons went forth, the King gave direction for a Commiſſion to raiſe monies by Impoſitions in nature of an Exciſe, to be levied throughout the Nation, to paſs under the Great Seal. And at the ſame time ordered the Lord Treaſurer to pay Thirty thouſand pounds to *Philip Burlemac* a Dutch Merchant in *London*, to be by him returned over into the *Low-Countries* by Bill of Exchange unto Sir *William Balfour* and *John Dalbier*, for the raiſing of a Thouſand Horſe, with Arms both for Horſe and Foot. The ſuppoſed intent of which German Horſe was, as was then feared, to inforce the Exciſe which was then ſetting on foot.

The Council alſo had then under conſideration the Levying of Ship-money upon the Counties, to raiſe the King a Revenue that way. But now that a Parliament was called, the Council held it unfit and unſeaſonable to debate theſe matters any further at that time.

Recuſants taken at *Clerkenwell*.

A little before the Parliament aſſembled, a Society of Recuſants was taken in *Clerkenwell*: Divers of them were found to be Jeſuites, and the Houſe wherein they were taken was deſigned to be a Colledge of that Order.

Among their Papers was found a Copy of this Letter written to their Father Rector at *Bruxels*, diſcovering their Deſigns upon this State, and their Judgment of the temper thereof, with a Conjecture of the ſucceſs of the enſuing Parliament.

A Letter from a Jeſuite concerning the enſuing Parliament.

Father Rector,

LEt not the damp of Aſtoniſhment ſeiſe upon your ardent and zealous ſoul, in apprehending the ſudden and unexpected Calling of a Parliament: We have not oppoſed, but rather furthered it; So that we hope as much in this Parliament, as ever we feared any in Queen Elizabeth's *days.*

You muſt know, the Council is engaged to aſſiſt the King by way of Prerogative, in caſe the Parliamentary way ſhould fail. You ſhall ſee this Parliament will reſemble the Pelican, which takes a pleaſure to dig out with her beak her own bowels.

The Election of Knights and Burgeſſes hath been in ſuch confuſion of apparent Faction, as that which we were wont to procure heretofore with much art and induſtry (when the Spaniſh Match was in Treaty) now breaks out naturally as a broth or boil, and ſpits and ſpues out its own ranker and venom.

You remember how that famous and immortal Stateſman the Count of Gondomar *fed King* James *his fancy, and rocked him aſleep with the ſoft and ſweet ſound of Peace, to keep up the Spaniſh Treaty. Likewiſe we were much bound to ſome Stateſmen of our own Country, for gaining time by procuring thoſe moſt advantagious Ceſſations of Arms in the* Palatinate, *and advancing the Honor and Integrity of the* Spaniſh *Nation, and vilifying the* Hollanders; *remonſtrating to King* James, *That that State was moſt ungrateful both to his Predeceſſor Queen* Elizabeth, *and his Sacred Majeſty*

3 Caroli.

Majesty; That the States were more obnoxious then the Turk, and perpetually injured his Majesties loving Subjects in the East-Indies, and likewise they have usurped from his Majesty the Regality and unvaluable profit of the Narrow-Seas in fishing upon the English Coast, &c.

This great Statesman had but one principal means to further their great and good designs, which was to set on King James, that none but the Puritan-Faction, which plotted nothing but Anarchy, and his Confusion, were averse to this most happy Union. We steered on the same Course, and have made great use of this Anarchical Election, and have prejudicated and anticipated the Great one, that none but the Kings Enemies, and his, are chosen of this Parliament, &c.

We have now many strings to our Bow, and have strongly fortified our Faction, and have added two Bulwarks more: For when King James lived (you know) he was very violent against Arminianism, and interrupted (with his pestilent Wit and deep Learning) our strong Designs in Holland, and was a great Friend to that old Rebel and Heretick the Prince of Orange.

Now we have planted that Soveraign Drug Arminianism, which we hope will purge the Protestants from their Heresie; and it flourisheth and bears fruit in due season.

The Materials which build up our Bulwark, are the Projectors and Beggers of all ranks and qualities: Howsoever, both these Factions cooperate to destroy the Parliament, and to introduce a new species and form of Government, which is Oligarchy.

Those serve as direct Mediums and Instruments to our end, which is the Universal Catholick Monarchy. Our foundation must be Mutation, and Mutation will cause a Relaxation, which will serve as so many violent diseases, as the Stone, Gout, &c. to the speedy distraction of our perpetual and insufferable anguish of body, which is worse then death it self.

We proceed now by Councel and mature deliberation, how and when to work upon the Duke's Jealousie and Revenge; And in this we give the honor to those which merit it, which are the Church-Catholicks.

There is another matter of Consequence, which we take much into our consideration and tender care, which is to stave off the Puritans, that they hang not in the Duke's ears, They are impudent subtile people.

And it is to be feared lest they should negotiate a Reconciliation between the Duke and the Parliament: Tis certain, the Duke would gladly have reconciled himself to the Parliament at Oxford, and Westminster; But now we assure our selves we have so handled the matter, that both Duke and Parliament are irreconcileable.

For the better prevention of the Puritans, the Arminians have already locked up the Duke's ears; And we have those of our own Religion, which stand continually at the Duke's Chamber, to see who goes in and out: We cannot be too circumspect and careful in this regard.

I cannot choose but laugh to see how some of our own Coat have accoutred themselves; you would scarce know them, if you saw them: And 'tis admirable, how in speech and gesture they act the Puritans. The Cambridge-Scholars to their woful experience shall see we can act the Puritans a little better then they have done the Jesuites: They have abused our sacred Patron Saint Ignatius in jest, but we will make them smart for it in earnest. I hope you will excuse my merry digression; For I confess unto you, I am at this time transported with joy to see how happily all Instruments and means, as well great as less, cooperate unto our purposes.

But

An. 1627.

But to return unto the main Fabrick: Our foundation is Arminianism; *The* Arminians *and* Projectors, *as it appears in the premisses, affect mutation. This we second, and enforce by probable Arguments. In the first place we take into consideration the Kings honor, and present necessity; and we shew how the King may free himself of his Ward, as* Lewis *the Eleventh did. And for his great splendor and lustre, he may raise a vast Revenue, and not be beholden to his Subjects, which is by way of Imposition of Excise. Then our Church-Catholicks proceed to shew the means how to settle this Excise, which must be by a Mercenary Army of Horse and Foot. For the Horse, we have made that sure, They shall be Foreiners, and* Germans, *who will eat up the Kings Revennes, and spoil the Country whereso-ever they come, though they should be well paid; What havock will they make there, when they get no Pay, or are not duly paid? They will do more mischief, then we hope the Army will do.*

We are provident and careful, that this Mercenary Army of Two thousand Horse, and Twenty thousand Foot, shall be taken on and in pay before the Excise be setled. In forming the Excise, the Country is most likely to rise: If the Mercenary Army subjugate the Country, then the Soldiers and Projectors shall be paid out of the Confiscations; If the Country be too hard for the Soldiers, then they must consequently mutiny, which is equally advantagious unto us. Our superlative design is, to work the Protestants as well as the Catholicks to welcom in a Conqueror, and that is by this means: We hope instantly to dissolve Trades, and hinder the building of Shipping, in devising probable Designs, and putting on the State upon Expeditions, as that of Cadiz *was, in taking away the Merchants Ships, so that they may not easily catch and light upon the* West-India *Fleet, &c.*

The Parliament being assembled the Seventeenth day of *March*, His Majesty began with this Speech.

My Lords and Gentlemen,

The King's Speech at the opening of the Parliament.

"THese Times are for Action: Wherefore for Examples sake, I "mean not to spend much time in Words; expecting accordingly "that your (as I hope) good Resolutions will be speedy, not "spending time unnecessarily, or (that I may better say) dangerously; "For, tedious Consultations at this conjuncture of time, are as hurtful as "ill Resolutions.

"I am sure you now expect from me, both to know the cause of "your meeting, and what to resolve on: Yet I think there is none here "but knows that Common danger is the cause of this Parliament, and "that Supply at this time is the chief end of it: So that I need but point "to you what to do. I will use but few perswasions: For if to maintain "your own Advices, and as now the case stands for the following there-"of, the true Religion, Laws, and Liberties of this State, and the just "Defence of our true Friends and Allies, be not sufficient, then no Elo-"quence of Men or Angels will prevail.

"Only let me remember you, That my duty most of all, and every "one of yours according to his degree, is, to seek the maintenance "of this Church and Commonwealth: And certainly, there never "was a time in which this duty was more necessarily required, then "now.

3 *Caroli.*

"I therefore judging a Parliament to be the antient, ſpeedieſt, and "beſt way in this time of Common danger, to give ſuch Supply as to "ſecure our ſelves, and to ſave our Friends from imminent ruine, have "called you together. Every man now muſt do according to his con- "ſcience: Wherefore if you (as God forbid) ſhould not do your duties "in contributing what the State at this time needs, I muſt in diſcharge "of my conſcience uſe thoſe other means which God hath put into my "hands, to ſave that which the follies of particular men may otherwiſe "hazard to loſe.

"Take not this as a Threatening, for I ſcorn to threaten any but "my Equals; but an Admonition from him, that both out of nature "and duty, hath moſt care of your preſervations and proſperities: And "(though I thus ſpeak) I hope that your demeanors at this time will "be ſuch, as ſhall not only make me approve your former Councels, "but lay on me ſuch obligations as ſhall tie me by way of thankful- "neſs to meet often with you: For, be aſſured, that nothing can be "more pleaſing unto me, then to keep a good Correſpondence with "you.

"I will only adde one thing more, and then leave my Lord Keeper "to make a ſhort Paraphraſe upon the Text I have delivered you; which "is, *To remember a thing, to the end we may forget it.* You may imagine "that I came here with a doubt of ſucceſs of what I deſire, remembring "the diſtractions of the laſt Meeting: But I aſſure you that I ſhall very "eaſily and gladly forget and forgive what is paſt, ſo that you will at "this preſent time leave the former ways of diſtractions, and follow "the Councel late given you, *To maintain the unity of the Spirit in the "bond of Peace.*

The Lord Keeper ſeconded his Majeſty on this manner.

The Lord Keepers Speech.

"YE are here in Parliament by his Majeſties Writ and Royal com- "mand, to conſult and conclude of the weighty and urgent Buſi- "neſs of this Kingdom. Weighty it is, and great; as great as "the honor, ſafety, and protection of Religion, King and Country; "And what can be greater? Urgent it is; It is little pleaſure to tell or "think how urgent: And to tell it with circumſtances, were a long "work: I will but touch the ſum of it in few words.

"The Pope and Houſe of *Auſtria* have long affected, the one a "Spiritual, the other a Temporal Monarchy: And to effect their ends, "to ſerve each others turn, the Houſe of *Auſtria*, beſides the rich and "vaſt Territories of both the *Indies* and in *Africa* joined together, are "become Maſters of *Spain* and *Italy*, and the great Country of *Ger- "many*. And although *France* be not under their ſubjection, yet they "have invironed all about it; The very Bowels of the Kingdom ſwayed "by the Popiſh Faction: They have gotten ſuch a part and ſuch inter- "ceſſion in the Government, that under pretence of Religion, to root "out the Proteſtants and our Religion, they have drawn the King to "their adherence ſo far, that albeit upon his Majeſties interpoſition by "his Ambaſſadors, and his engagement of his Royal word, there was "between the King and his Subjects Articles of Agreement, and the "Subjects were quiet, whereof his Majeſty intereſſed in that great "Treaty, was bound to ſee a true accompliſhment; yet againſt that

An. 1627.

"strict Alliance, that Treaty hath been broken, and those of the Religion have been put to all extremity, and undoubtedly will be ruined, "without present help. So as that King is not onely diverted from "assisting the Common Cause, but hath been misled to engage himself "in hostile acts against our King and other Princes, making way thereby "for the House of *Austria*, to the ruine of his own, and other Kingdoms.

"Other Potentates, that in former times did ballance and interrupt "the growing greatness of the House of *Austria*, are now removed and "diverted. The *Turk* hath made Peace with the Emperor, and turned "himself wholly into Wars with *Asia*: The King of *Sweden* is embroiled in a War with *Poland*, which is invented by Spanish practices, "to keep that King from succoring our part: The King of *Denmark* "is chased out of his Kingdom on this, and on that side the *Sound*; so "as the House of *Austria* is on the point to command all the Sea-"coasts from *Dantzick* to *Embden*, and all the Rivers falling into the "Sea in that great extent: So as besides their power by Land, they "begin to threaten our Part by Sea, to the subversion of all our "State.

"In the *Baltique* Sea, they are providing and arming all the Ships "they can build, or hire; And have at this time their Ambassadors "treating at *Lubeck*, to draw into their service the *Hans*-Towns, "whereby taking from us and our Neighbors the Eastland-Trade, by "which our Shipping is supplied, they expect without any blow given "to make themselves Masters of that Sea. In these Western parts, "by the *Dunkirkers*, and by the now French and Spanish Admiral, to "the ruine of Fishing (of infinite consequence both to us, and the "Low-Countries) they infest all our Coast, so as we pass not safely "from Port to Port. And that Fleet which lately assisted the French "at the Isle of *Rhee*, is now preparing at *S. Andrews*, with other Ships "built in the Coast of *Biscay* to reinforce it, and a great Fleet is making "ready in *Lisbon*; where besides their own, they do serve themselves "upon all Strangers Bottoms coming to that Coast for Trade: And "these great preparations are, no doubt, to assault us in *England* or "*Ireland*, as they shall find advantage, and a place fit for their "turn.

"Our friends of the *Netherlands*, besides the fear that justly troubles "them lest the whole force of the Emperor may fall down upon them, "are distracted by their Voyages into the East, which hath carried both "Men and Money into another World, and much weakened them at "home.

"Thus are we even ready on all sides to be swallowed up; The "Emperor, *France* and *Spain* being in open War against us, *Germany* "overrun, the King of *Denmark* distressed, the King of *Sweden* diverted, "and the Low-Country-men disabled to give us assistance.

"I speak not this to increase fear, unworthy of English courages, "but to press to provision worthy the wisdom of a Parliament: And "for that cause his Majesty hath called you hither, that by a timely "provision against those great imminent dangers, our selves may be "strengthened at home, our Friends and Allies encouraged abroad, and "those great causes of fear scattered and dispelled.

"And because in all Warlike preparations Treasure bears the name, "and holds the semblance of the nerves and sinews, And if a sinew "be too short or too weak, if it be either shrunk or strained, the part

"becomes

3 Caroli.

"becomes unuſeful: It is needful that you make a good and timely "ſupply of Treaſure, without which all Councels will prove fruit-"leſs. I might preſs many Reaſons to this end; but I will but name "few.

"First for his Majeſties ſake, who requires it. Great is the duty "which we owe him by the Law of God; great by the Law of Nature, "and our own Allegiance; great for his own merit, and the memory "of his ever bleſſed Father. I do but point at them: But methinks "our thoughts cannot but recoil on one Conſideration touched by his "Majeſty; which to me ſeems to ſound like a Parliamentary Pact or "Covenant.

"A War was adviſed here, Aſſiſtance profeſſed, yea and proteſted "here: I do but touch it, I know you will deeply think on it; and "the more, for the example the King hath ſet you; His Lands, his "Plate, his Jewels he hath not ſpared to ſupply the War: What "the People hath proteſted, the King for his part hath willingly per-"formed.

"Secondly for the Cauſe ſake; It concerns us in Chriſtian cha-"rity to tender the diſtreſſes of our Friends abroad; It concerns us "in Honor, not to abandon them, who have ſtood for us. And if "this come not cloſe enough, You ſhall find our Intereſt ſo woven "and involved with theirs, that the Cauſe is more ours then theirs. "If Religion be in peril, we have the moſt flouriſhing and Orthodox "Church: If Honor be in queſtion, the Stories and Monuments in "former Ages will ſhew, that our Anceſtors have left us as much as "any Nation: If Trade and Commerce be in danger, we are Iſlanders, "it is our life. All theſe at once lie at ſtake, and ſo doth our ſafety "and being.

"Laſtly in reſpect of the manner of his Majeſties demand, which "is in Parliament, the way that hath ever beſt pleaſed the Subjects of "*England*. And good cauſe for it: For, Aids granted in Parliament "work good effects for the People; they be commonly accompanied "with wholſom Laws, gracious Pardons, and the like. Beſides, juſt "and good Kings finding the love of their People, and the readineſs "of their Supplies, may the better forbear the uſe of their Prero-"gatives, and moderate the rigor of the Laws towards their Sub-"jects.

"This way, as his Majeſty hath told you, he hath choſen, not "as the onely way, but as the fitteſt; Not as deſtitute of others, but "as moſt agreeable to the goodneſs of his own moſt gracious diſpo-"ſition, and to the deſire and weal of his people. If this be defer-"red, Neceſſity, and the Sword of the Enemy make way to the "others. Remember his Majeſties Admonition; I ſay, remember "it.

"Let me but add, and obſerve Gods mercy towards this Land "above all others. The Torrent of War hath overwhelmed other "Churches and Countries; but God hath hitherto reſtrained it from "us, and ſtill gives us warning of every approaching danger, to ſave "us from ſurpriſe. And our gracious Soveraign in a true ſenſe of it "calls together his High Court of Parliament, the lively Repreſen-"tation of the Wiſdom, Wealth, and Power of the whole Kingdom, "to join together to repell thoſe hoſtile Attempts, which have diſtreſſed "our Friends and Allies, and threatned our ſelves.

An. 1627.

"And therefore it behoves all to apply their Thoughts unto "Councel and Conſultations, worthy the greatneſs and wiſdom of "this Aſſembly; To avoid diſcontents and diviſions, which may either "diſtemper or delay; And to attend that *Unum Neceſſarium*, the "Common Cauſe; propounding for the ſcope and work of all the "Debates, the general good of the King and Kingdom, whom God "hath joined together with an indiſſoluble knot, which none muſt "attempt to cut or untie. And let all, by unity and good accord, A "endeavour to pattern this Parliament by the beſt that have been, "that it may be a Pattern to future Parliaments, and may infuſe into "Parliaments a kind of Multiplying power and faculty, whereby they "may be more frequent, and the King our Soveraign may delight to "ſit on his Throne, and from thence to diſtribute his graces and favors "amongſt his people.

"His Majeſty hath given you cauſe to be confident of this you B "have heard from his Royal mouth; which nevertheleſs he hath "given me expreſs command to redouble: If this Parliament, by "their dutiful and wiſe proceedings, ſhall but give this occaſion, "His Majeſty will be ready, not onely to manifeſt his gracious ac- "ceptation, but to put out all memory of thoſe diſtaſtes that have "troubled former Parliaments.

"I have but one thing more to adde, and that is, As your Con- C "ſultations be ſerious, ſo let them be ſpeedy. The Enemy is before- "hand with us; and flies on the wings of Succeſs. We may dally and "play with the Hour-glaſs that is in our power, but the Hour will "not ſtay for us; and an Opportunity once loſt, cannot be re- "gained.

"And therefore reſolve of your Supplies, that they may be timely, "and ſufficient, ſerving the Occaſion: Your Councel, your Aid, all "is but loſt, if your Aid be either too little, or too late: And his Majeſty D "is reſolved, that his Affairs cannot permit him to expect it over- "long.

Sir *John Finch* being choſen Speaker, made this Addreſs to his Majeſty, *Wedneſday* the Nineteenth of *March*.

E

Moſt Gracious Soveraign,

Sir *John Finch* being choſen Speaker, made this Speech to his Majeſty.

"YOur obedient and loyal Subjects, the Knights, Citizens and "Burgeſſes by your Royal Summons here aſſembled, in obedi- "ence to your gracious direction, according to their antient "uſage and priviledge, have lately proceeded to the Choice of a "Speaker; And whether ſequeſtring their better Judgments for your F "more weighty Affairs; or to make it known, that their Honor and "Wiſdom can take neither increaſe, or diminution, by the value or "demerit of any one particular Member in what place ſoever ſerving "them; Omitting others of worth and ability, they have fixed their "eyes of favor and affection upon me.

Their

3 *Caroli.*

"Their long knowledge of my unfitness every way to undergo a "charge of this important weight and consequence, gave me some hope "they would have admitted my just excuse. Yet for their further and "clearer satisfaction, I drew the Curtains and let in what light I could up- "on my inmost thoughts, truly and really discovering to them what my "self best knew, and what I most humbly beseech your Royal Ma- "jesty to take now into your consideration that of so many hun- A "dreds sitting amongst them, they could have found few or none, "whose presentation to your Majesty would have been of less repute "or advantage to them: for *et impeditioris linguæ sum*, and the poor "experience I have of that Royal Assembly is so ill ballanced with "true Judgement, that every gust and wave hath power on me, "whereby I shall not onely suffer in my own particular, but (which I ap- "prehend with much more care and sorrow) do prejudice to their com- "mon interest. B

"Wherefore, dread and dear Soveragin, as low as the lowest step of "your Royal Throne, I humbly bend, appealing to your great and So- "veraign Judgement, for my discharge from this so unequal a burthen im- "posed on me, most humbly and earnestly beseeching your most excellent "Majesty, for the Honor of that Great Council, and the better digestion "of Publick services, there, and withal to avert so ill an Omen, as the "choise of me in the beginning of a Parliament, ordained (I hope) for "the joy of our own, and the envy of other Nations; that by your gra- C "cious Command the House may reconsult, and settle their better "thoughts on some more worthy their Election and your Majesties Ap- "probation.

But his Majesty not admitting his excuse, approved of the choise.

Before the Commons had entred into any Debates, this following Letter, touching the Inconveniencies and Grievances of the State was communicated to the Members of the House, and it was called *A Speech without doors.* D

To my noble friends of the Lower-House of Parliament.

The Speech without doors.

"IF my Country had held me worthy to have served in this Parlia- E "ment, I had now been made a Member of your Lower-House, as for- "merly I have been in sundry other Parliaments: But how unkindly soe- "ver she dealeth with me, I will ever shew my thankfulness to her, and de- "liver, by way of observation, what I have heretofore learned in that "grave and wise Assembly, for admonishment to the elder, and a path-way "for the younger to walk in.

"*Parliaments* in my time have been wont to take up some space at F "the first meetings, to settle the House, and to determine of *unlawfull* "*Elections*; and in this point they never had greater cause to be cir- "cumspect, then at this time: For by an Abuse lately crept in, there is "introduced a custom, which if it be not foreseen and prevented, will be "a great derogation to the Honor, and a weakning to the power of your "House. Where the Law giveth a freedom to Corporations to elect

"Burgesses

An. 1627. "Burgeſſes, and forbideth any indirect courſe to be taken in their Elections; many of the Corporations are ſo baſe minded, and timerous, that "they will not hazard the indignation of a Lord Lieutenants Letter, who "underhand ſticks not to threaten them with the charge of a Muſket or "a Horſe at the Maſter, if that he hath not the Election of the Burgeſſes, "and not they themſelves.

"And commonly thoſe that the Lords recommend, are ſuch as deſire it for protection, or are ſo ignorant of the place they ſerve for, as "that there being occaſion to ſpeak of the Corporation for which they "are choſen, they have asked their Neighbors ſitting by, whether it were "a Sea or a Land Town? A

"The next thing that is required, is, *Liberty of Speech*, without "which Parliaments have little force or power; Speech begets doubts, "and reſolves them, and doubts in Speeches beget underſtanding; he "that doubts much, asketh often, and learns much; and he that fears the "worſt, ſooneſt prevents a miſchief. B

"This Privilege of Speech is anciently granted by the teſtimony of "*Philip Comines* a Stranger, who prefers our Parliaments, and the Free-"dom of the Subject in them, above all other Aſſemblies; which Free-"dom, if it be broken or diminiſhed, is negligently loſt ſince the dayes of "*Comines*.

"If freedom of Speech ſhould be prohibited, when men with mode-"ſty make repetition of the Grievances and Enormities of the King-"dom; when men ſhall deſire reformation of wrongs and injuries com-"mitted, and have no relation of evil thought to his Majeſty, but with C
"open heart and zeal expreſs their dutifull and reverent reſpect to him "and his ſervice: I ſay, if this kinde of liberty of Speech be not allowed "in time of Parliaments, they will extend no further then to Quarter-Seſſi-"ons, and their Meetings and Aſſembles will be unneceſſary; for all means "of diſorder new crept in, and all remedies and redreſſes will be quite "taken away.

"As it is no manners to conteſt with the King in his Election of D
"Councellors and Servants, (for Kings obey no men, but their Laws) "So were it a great negligence, and part of Treaſon, for a Subject not to "be free in Speech againſt the abuſes, wrongs, and offences, that may "be occaſioned by perſons in Authority. What Remedy can be expect-"ed from a Prince to the Subject, if the enormities of his Kingdom be "concealed from him? Or what King ſo religious or juſt in his own na-"ture, that may not hazard the loſs of the hearts of his Subjects, with-"out this Liberty of Speech in Parliament? For ſuch is the misfortune E
"of moſt Princes, and ſuch is the unhappineſs of Subjects where Kings "affections are ſetled, and their loves ſo far tranſported to promote ſer-"vants, as they onely truſt and credit what they ſhall inform.

"In this Caſe, what Subject dares complain? or what Subject dares "contradict the words or actions of ſuch a ſervant, if it be not warranted "by freedom of a Parliament, they ſpeaking with humility? For nothing "obtaineth favor with a King, ſo much as diligent obedience.

"The ſureſt and ſafeſt way betwixt the King and his people, which F
"hath leaſt ſcandal of partiality, is, with indifference, with integrity and "ſincerity, to examine the Grievances of the Kingdom, without touch-"ing upon the perſon of any man, further then the cauſe giveth occaſion: "For otherwiſe, you ſhall conteſt with him that hath the Princes ears open "to hearken to his inchanting tongue; he informs ſecretly, when you

"ſhall

3 *Caroli.*

"shall not be admitted to excuses, he will cast your deserved malice a-
"gainst him, to your contempt against the King, and seeking to lessen
"his Authority; and so will make the Prince the Shield of his Re-
"venge.

"These are the sinister practises of such servants to deceive their
"Soveraigns, when our Grievances shall be authentically proved, and
"made manifest to the World by your pains to examine, and freedom to
"speak. No Prince can be so affectionate to a servant, or such
"an Enemy to himself, as not to admit of this indifferent proceed-
"ing: If his services be allowable and good, they will appear with glo-
"ry; if bad, your labor shall deserve thanks both of Prince and
"Country.

"When Justice shall thus shine, people will be animated to serve their
"King with integrity: For they are naturally inclined to imitate Princes
"in good and bad.

"The words of *Cicero* will then appear, That malicious and evil men
"make Princes poor; and one perfect good man is able to make a Realm
"rich.

"One Case I will instance that is common in the mouths of all men,
"and generally, *vox Populi vox Dei.* One of quality in the last Expediti-
"on to the Isle of *Rhee*, endeavored to conceale the number of men lost
"in the last encounter, and confidently affirmed their number not to
"exceed three or four hundred; till a Doctor of Physick, out of tender-
"ness of Conscience and duty to his Majesty, could not dissemble the
"vulgar and true Report, but acquainted his Majesty with Two thou-
"sand of his Subjects there lost. This was so contrary to the first
"information, and so displeasing to the Informer and his Designs, that
"he caused the Physitians remove from his Highness presence, who yet
"remains in kinde of a banished man.

"The truth of these two Reports is easily determined by the
"Clerks of the Bands of each Company, and is worthy to be disco-
"vered for Truth sake. Truth being so Noble of it self, as it will
"make him Honorable that promoteth it: Lyes may shadow it, but
"not darken it: They may blame, but never shame it. By this
"small President his Majesty shall see himself abused; and it may be a
"means for him to reflect both upon men and matters.

"The men slain are no less injured by concealing their Names,
"whose lives were lost for King and Country. The Romans would
"have held it the highest Honor for their friends and posterity so to die;
"And a Parliament may fear that those that stick not so palpably to
"wrong a King, may as unjustly cast Aspersions upon the House, and
"other his loving Subjects.

"There is no remedy left for these misreports, but a freedom of
"Speech in Parliament. For there is no wise man that speaks, but
"knows what, and when to speak, and how to hold his peace. Whilst
"Subjects tongues are tyed, for fear they may reach him a rap whose
"conscience cries guilty; the King and his people are kept from under-
"standing one another; The Enemy is heartened abroad, and the Ma-
"lignant humor of Discontent nourished at home, and all for one who
"is like a Dragon, that bites the ear of the Elephant, because he knows
"the Elephant cannot reach him with his trunk; and Princes are abused
"by false Reports whispered in their ears by Sycophants and Flat-
"terers.

Diogenes

An. 1627.

"*Diogenes* being asked what beast bit soreſt, answered, Of wilde "beasts, the *Back-biter*; of tame, the *Flatterer*.

"Now to deseend to Grievances, which are of two kinds; some "concerning the Kingdom in general; some in particular, which have re- "lation to the general.

"The *Grievances in general* are so many in number, as will serve "for every Member of the House to present Two apiece to your "views. And because I cannot be admitted amongst you my self, A "yet in regard I have been a Member of you, I will prsume so far "as to rank my self with you, and to tender the number of Two unto "unto your consideration.

"My first Complaint is *of Titles of Honor*; and in two kindes.

"First, in respect of the Parties themselves, their Estates and Pa- "rentage. B

"Secondly, in respect of the manner of their attaining there- "unto, which is mercenary, base, and corrupt, which in reason should "not hold: For by Law the consideration is unlawfull.

"*Trajanus* commended *Plutarch* for his Precepts in School, when "he taught that men should labor to deserve Honor, but avoid the "getting of it basely: For if it were Reputation to have it by De- C "sert, it were Infamy to buy it for Money. In that Age where Rich "men were honored, Good men were despised.

"Honor is not to be valued according to the vulgar opinion "of men, but prized and esteemed as the Sirname of Vertue, in- "gendred in the minde; and such Honor no King can give, or mo- "ney can purchase. He that will strive to be more honorable then "others, must abandon Passion, Pride, and Arrogancy; that so his "Vertue may shine above others. For Honor consists not in the Ti- D "tle of a Lord, but in the opinion people have of their vertue; "For it is much more honor to deserve, and not to have it, then to have "it, and not deserve it.

"There is one of three things, that commonly causeth mans ad- "vancement, Desert, Favor, and Power.

"The first makes a man worthy of it, the other two are but "abuses: For Favor is but a blinde fortune, an ounce of which E "at Court, is better then a pound of wisdom: Fortune never favo- "reth, but flattereth; She never promiseth, but in the end she decei- "veth; She never raiseth, but she casteth down again. And this Ad- "vancement is meeter to be called Luck, then Merit.

"That Honor that is compassed by Power, takes unto it self Li- "berty, and desires not to be governed by wisdom, but force. It F "knows not what it desireth, nor hath a feeling of any Injury: It is "neither moved with sweet words, nor pitifull tears; such men leave "not to do evil, because they have a desire to it, but when their "power faileth to do it.

"The true Honor among the honorablest is, where Fortune casts "down, where there is no fault: But it is Infamy where Fortune raiseth, "where there is no Merit.

"Examine the State and condition of men raised to Honor these 25 years

3 *Caroli.*

"years paſt, and whether it be deſert, favor or power that hath preferred "them.

"Enter into the miſchief the Kingdom hath ſuffered, and doth ſuffer "by it; and the cauſe of his Majeſties great wants will ſoon appear: If you "collect with your ſelves how many hungry Courtiers have been raiſed "to the higheſt top of honor;

"After this, examine their Princely expence in theſe Twenty five "years, their Eſtates in preſent, and what is requiſite to mantain them "in their future degrees of honor, to themſelves and their Poſterity, and "you ſhall finde his Majeſties annual Revenues conſumed and ſpent upon "thoſe unworthy perſons. Beſides the impairing and impoveriſhing "of the State, it brings with it the contempt of Greatneſs and "Authority, it breeds an inward malice in Gentlemen better de- "ſerving of their Country, and better able to maintain the de- "gree of honor without charge to King or Kingdom, and whoſe "Houſes and Alliance may better challenge it then the beſt of "them.

"The Character of a covetous man is, that he getteth his goods "with care, aud envy of his Neighbors, with ſorrow to his Enemies, "with travel to his body, with grief to his Spirit, with ſcruple to his "conſcience, with danger to his ſoul, with ſuit to his children, and "curſe to his heirs; his deſire is to live poor, to die rich: But as theſe "vices are made vertues, even ſo is he honored for them with Title of "Nobility.

"When *Philip* the ſecond King of *Spain* entred with Arms "upon his Kingdom of *Portugal*, and though with his ſword he "might have made fitting Laws; yet were there ſome few Privi- "ledges which the Portugals beſought they might enjoy; one "whereof was, That the King would make no unworthy perſon No- "ble, or without their approbation, which was granted them, and to "this day they hold that Freedom, which keeps that Kingdom in "the ancient State, Honor and Dignity, (that is to ſay) two Dukes, "one Marquis, and Eighteen Earls: And thus much for the point "of Honor.

"The ſecond Grievance I will recommend to your views is, *The car- "riage of our Wars*, the exceſſive charges vainly ſpent therein, the unwor- "thineſs of the people imployed, the grave and experienced neglected, "the deſigns not warranted by reaſon and diſcretion, and the executi- "ons worſe performed, with many other circumſtances that depend up- "on it.

"But before I proceed herein, I muſt crave leave to ſpeak to two "Points.

"The one to declare the property and condition of Impoſtors and "Deceivers of Princes.

"In the other I muſt clear the Houſe of Parliament of an Imputati- "on caſt upon it.

"*Abuſers of Princes* are they that perſwade them to War; to be- "come poor when they may live in Peace, and become rich; when they "may be loved, cauſe them to be hated; when they may enjoy their lives "ſurely, put them in hazard of croſs fortune raſhly; and laſtly, having "neceſſity to uſe their Subjects, put them into that neceſſity, as they "refuſe to do for him: All this is Pride of the Perſwader, as *Socrates* "ſaith.

An. 1627.

"In the second I will clear the Parliament (in which I was a Mem-
"ber) of an ungratefull aspersion cast upon it, that is to say, *That the*
"*Parliament was a cause to draw his Majesty into a War, and failed on their*
"*parts to contribute to it.*

"These have been often repeated, and the Parliament accused; the
"contrary hath been as often reiterated, and the truth expressed how far
"the Parliament proceeded therein. But to stop the mouths of such
"false Reports, and to free the Parliament of such a calumniation, I must
"use this Argument.

"At the Assembly of *Oxford*, the Parliament being Prorogued thi-
"ther, Money was required of us towards the furnishing of his Majesties
"Fleet then preparing, upon many reasons alleadged, too tedious now
"to repeat, with one consent it was refused.

"Whereupon there was offer made by him that next the King, seem-
"to have best Authority, That if they would but contribute Forty thou-
"sand pounds, they should choose their Enemy.

"Whereupon I infer, That before that Proposition there was no
"Enemy, and therefore no Wars: The motion for Money being denied,
"the Parliament instantly brake up; and seeing no Enemy was nomina-
"ted, nor Money consented unto by us, I see not how the House can be
"taxed for Peace-breakers, but rather the name to be cast upon some
"young men; for youth by nature is prone to pride, especially where
"experience wants; They are credulous in what they hear that pleaseth
"them, and incredulous in what is told them by wise men; They are
"despisers of others counsels, and very poor in their own; They are
"dangerous for Princes to relie on, for self-will is of greater force then
"Precepts.

"Now to proceed: In *October* following the Fleet put to Sea, and
"what they did is apparent by a Relation written by a their General at his
"Return.

"The Voyage being ended, another followed the next Summer un-
"der the command of that noble Lord, the Earl of *Lindsey*, which
"through the weakness and disability of the Ships, was not able to per-
"form what he had in charge, and what he desired.

"The last and most lamentable, was that to the Isle of *Rhee*, which I
"likewise refer to a man I have seen, and to the Books printed and
"extant.

"These, with that to *Algeir*, to make up Mess of Isand Voyages,
"I wish might be referred to the examination of choice and experienced
"Soldiers by Land and by Sea, to report their opinions of it, That so
"their Errors, their wastefull Expences, their Negligences, their weak
"Designs, and want of experience may appear, with the Succes that
"might have proved, if Advice and Counsel had had preheminence
"above Will and Arrogancy; For he that is ignorant of truth and
"knowledge, and led away with pride of his own opinions, must
"needs err. After it hath past your approbation, it is worthy his Majesties
"view, who then shall see the difference of Actions well mannaged, and
"rash and heady Enterprises undertook by ignorance, and performed
"by folly.

"Business of so great a consequence ought to be considered of with
"Counsel, and not onely of the necessity, profit and honor, but of the
"possibility that was like to follow; for an Action well begun is half
"ended.

My

3 *Caroli.*

"My experience in Diſcipline of War by Land and Sea can ſay "no more then to refer it to others; for tis a Courſe I never was bred "to in my youth, and now too late in mine age to practice: Onely "one thing I obſerve, that in the two journeys of *Cadiz* and *Rhee*, "in the firſt a Land Souldier commanded at Sea, who knew not "what belonged thereunto; and the other was carried by him that "was Souldier neither by Land nor by Sea, and the ſucceſs proved ac- A "cordingly in both, yet their errors were never queſtioned, but they "both highly advanced.

"And it is no marvel, for according to the old ſaying, The beſt Fencer "is not always the beſt Fighter, the fairer Tilter not the beſt experienced "Souldier, nor the eye of a Favorite at Court the beſt General of an "Hoſt: And whoſoever takes upon him that command without know- "ledge, beholds himſelf in a falſe glaſs, that makes him ſeem what he "is not.

B "As on the contrary, Experience is the mother of Prudence, "and Prudence will take counſel, leſt ſhe joyn her will with her will; "haſtineſs cauſeth repentance, and frowardneſs cauſeth hinderance.

"Of the Evils that followed upon theſe two voyages, your ſelves "are ſufficient Witneſſes, and can judge of them. As namely, the billet- "ing of Soldiers in the Country, and bringing their Ships into Har- "bors, not abating the entertainment of the one, nor the wages of the "other. And yet notwithſtanding this needleſs coſt and charges, our C "Ships and Coaſts are daily infeſted in ſuch ſort, as we dare not peep out "of Harbor.

"Were the carriage of things now anſwerable to the Prudence and "Preſidents of former times, we cannot pretend a fear of invaſion; be- "cauſe our Ships are divided into ſeveral Harbors, and our Soldiers "billetted in Inland Countries; beſide the ſeaſon of the year giveth no "opportunity to an Enemy to attempt it.

"Here is a maſs of wealth curiouſly conſumed, whether the King or D "Subject bear it, and no man bettered but onely thoſe that have the titles "of Soldiers, yet never had the happineſs or honor to ſee what appertained "to ſervice.

"Their example of diſorder encourages the other to follow their "Liberty, People that were wont to live poorly, yet ſafely, are now by "theſe Fellows and their Followers robbed and ſpoiled, and no remedy "for Redreſs.

"The rich ſtand upon their guard, and dare not reſort to their E "Church, leſt in their abſence their Houſes be ſurpriſed and Rifled.

"The Enemy giveth a ſudden attempt and returneth, the others do "every day rob and ſpoil.

The Enemy ſurpriſeth with fear, the others have neither fear nor "ſhame.

"The firſt leſſening the greatneſs of the Roman Empire, was "by the inſolency of Soldiers; and the firſt raiſing of the Houſe of "*Ottoman* was by permiſſion and conniving at his Army.

F "What man is ſo old in *England* that hath ſeen, or what youth "ſo young that ever thought to ſee Scottiſh men and Iriſh men "Garriſoned in *England*, and no Enemy appear againſt us? Or "who could have imagined he ſhould ever have ſeen our own people "tyrannized over in our own Kingdom by theſe of our own Nation, "and thoſe Scottiſh and Iriſh, and not dare ſo much as complain?

An. 1627.

"Would our forefathers have thought it safety or Policy to draw "Two thousand Scottish men and Irish men, into the Isle of *Wight*, for "their defence against *France*, when they of the Isle desired it not, nay "when they opposed it?

"Would they have thought it wisdom that Two thousand Mouthes "besides the Inhabitants should live on the food of that Island, and so "bring themselves into want and penury of victuals, if they should in "earnest be attempted by an Enemy? Would they have thought fit A "the charge of it should be required of them, and yet they to suffer all "injuries from the hands of strange Souldiers, when the meanest boy "in the Island is taught to manage Arms better then the best of them "that are there billetted? No, but they would rather have thought it "discretion upon the return of those voyages, to have caused the men "to repair to the place where they were pressed, and to have ordered, "that each Parish should have set them on work for their maintenance, "with command to be ready upon warning to repair to the place of B "Rendezvous.

"There is no place or part in *England* so remote from the Sea, "but they might have resorted to the Port assigned, before the Ships "could be furnished or drawn together. They would have thought it "more wisdom to have retired to their own Harbors, and to have had "their men discharged, then to have continued this needless and ex- "pencefull course that is taken. They would have judged it better to "have supplied the Isle of *Weight* with Two thousand men out of the C "main Land, when they feared any evil to the Island, then to send for "them out of *Scotland*, and to keep them in continual entertainment. "They would have thought it more fit to have returned the barba- "rous Irish into the Country from whence they came, then to make "them a vexation to the places and parts where they remain, seeing "no shadow of reason can be pretended for it.

"*England* wants no men, and hath as good and able men as either of "the other two Nations, if his Majesty had occasion to use them. D

"*England* with small charge can raise what men his Majesty plea- "seth to command, and that suddenly, and discharge them again "without trouble or charge as quickly. The wise men of *England* "would have thought Two or three hundred thousand pounds better spa- "red, then thus wastfully consumed, and disorders committed; we may "compute it to that sum, and yet keep our selves within compass: "And notwithstanding the want of Money, and the wayes to exact "it of the Subject, is all the Song now sung; He that sees and com- E "plains of the evil managing of things, is either imprisoned, banished "the Court, or censured for a Discontent.

"There is no Englishman but knoweth the heart of every other "true heated Englishman, and with one consent will all obey our Prince, "and to his person we owe all due reverence; and we may truely say "no King is more happy in Subjects for their love, nor no Subjects "readier to serve their King with their purses and persons; nor never "people was better blest with a King, who is endued with all kinde of F "vertues, and stained with no manner of vice.

"False Informers and Misguiders of good Kings are much more "perilous, then if Princes themselves were evil; for commonly as "worms breed sooneſt in soft and sweet wood, so are the best na- "tures inclined to Honor, and Justice sooneſt abused by false Flatterers.

"The

3 Caroli.

"The evil they commit under the Authority of good Princes, is "accounted as done by the Prince himself; but commonly such people in "the end pay for it; for he that desires not to do good cannot be wise, "but will fall into Four thousand Follies.

"One of the first Propositions made to the House will be for "Money to support his Majesties vast expence at this time; that the "Enemy threatens thunder against the Kingdom. Your often alarms A "upon such pretences may make you now too secure; for true it is "that the last Parliament, books were published of invincible Prepa- "rations intended against us, and nothing came of it. But beware "you be not deceived by an old saying, That when one usually tells "lyes, he is not trusted when he speaks truth; for certainly the dan- "ger is much more then by the power and greatness of another "Enemy.

"In this case you must give for your own sakes, that so you may be B "sure to enjoy what is yours; for your Soveraigns sake, to maintain "his greatness and state; and for your Countries sake, to keep it from "oppression of the Enemy; but withall you ought to lay down the con- "dition of the Kingdom, and to shew that your necessity cannot run "paralel with your hearts and your desires; that your mindes will be "carried with a willingness to give, but your hands will keep back your "hearts for want of ability to give.

"*Themistocles* demanding Tribute of the Athenians, told them he C "brought two Gods with him, that is to say, Perswasion and Violence; "They answered, that they had two other Gods in their Country, both "great and powerfull, which were Poverty and Impossibility, which hin- "dred them from giving.

"We may truely say, that God hath so placed and seated this Isle of "*England*, that nothing but evil counsel can hurt it: But true it is, ad- "vice that is not warranted from wise men, may prove more forcible and "perilous then the power of an Enemy.

"The Scripture telleth us, that the thought perisheth that taketh D "not counsel.

"A King of the Lacedemonians asked how a Kingdom might "ever stand, and was answered, two wayes, if a King take counsel "of wise honest men, and they speak freely; and do Justice up- "rightly.

"There was never Censor that judged, Senator that ordered, Em- "peror that commanded, Council that executed, Orator that perswaded, E "nor any other mortal man, but sometimes he committed Errors, and "deserved either blame or punishment for his misdoings, and if he were "wise, desired advice what to do.

"St *Gregory* saith, No man can give so faithfull counsel as he who "loves one more then his gifts; Then who are or can be so true Coun- "cellors to our Noble King, as a House of Commons that hath no rela- "tion to a Kings gift, but only to his Honor, flourishing estate and safety.

"This is the time to amend evil Counsels past, and to let evil Coun- F "cellors see their Errors.

"This is the time for all men to put to their helps, some with their "hands to fight, others, with their advice to counsel: And for my Ad- "vice this it is;

That you present to his Majesty in all humblenes, your willing mindes and hearts, to repair and fit to Sea his Majesties Navy, your selves to have power

to

An. 1627. *to make them able and serviceable, with the advice of experienced men that you may call unto you.* "This is a matter of great importance at this present for the safety of King, Realm, and Subject; for the strength of "the Kingdom much depends upon this Bulwark, which we may well "term *The Walls of England.*

"His Majesty shall finde himself much eased by it, Businesses shall "be carried without his trouble or care, Money shall not be sought for to "that end, but provided by you, his Majesty may dispose of the rest of "his Revenue at his pleasure.

"By your frugality and husbandry his Majesty shall have occasion to "judge of things past, of yours in present, and hereafter it will serve for "a President to walk after; it will stop the mouthes of Maligunant "tongues that inform his Majesty of the unwillingness of the Subject "to give; and it will make it apparent, that their true grief is not in the "matter of giving, but to see the Evil imploying of it when it is given.

"If any man shall pervert this good meaning and motion of yours, "and inform his Majesty, *'tis a derogation from his Honor, to yield to his "Subjects upon Conditions*: His Majesty shall have good cause to prove "such mens Eyes malitious and unthankfull, and thereby to disprove them "in all their other Actions: For what can it lessen the Reputation of "a Prince whom the Subject onely and wholy obeyeth, that a Parliament "which his Majesty doth acknowledge to be his highest Council should "advise him, and he follow the advice of such a Council? What "dishonor rather were it to be advised and ruled by one Councellor "alone, against whom there is just exception taken of the whole Com-"monwealth.

"*Marcus Portio* saith, That that Commonwealth is everlasting, "where the Prince seeks to get obedience and love, and the Subjects to "gain the affection of the Prince; and that Kingdom is unhappy, where "their Prince is served out of ends and hope of Reward, and hath "no other assurance of them but their service.

Grand Committees setled. *Thursday* the 20 of *March* the House setled their grand Committees for Religion, Grievances, Courts of Justice, and Trade, and agreed upon a Petition to the King for a Fast, unto which the Lords also consented.

Petition for a fast.

Most gracious Soveraign,

WE your most humble and loyal Subjects, the Lords Spiritual and Temporal in this present Parliament assembled, upon a tender and compassionate sence of the extream Calamities of the Reformed Churches abroad, and with much sorrow apprehending the displeasure of Almighty God declared against our selves, the manifold evils already fain upon us, and those which are further threatned, as by your sacred Majesty was intimated unto us, even to the utter destruction and subversion of this Church and State, and which our sins have justly deserved, and being now by your Majesties gracious favor, assembled in Parliament as the Great Council of this your Kingdom, to consult of such means as we think fittest to remove the present, and prevent the future evils, wherein we through Gods blessing intend to imploy our utmost endeavors, humbly beseech your Majesty, that by your special Command one or more days may be forthwith solemnly set apart, wherein both our selves and the whole Kingdom may by fasting and prayers seek reconciliation at the hands of

Almighty

3 Caroli.

Almighty God, and with humble and penitant hearts beseech him to remove those miseries that lie upon us & our neighbour Churches, to avert those which are threatned, to continue the favours we yet enjoy, and particularly to bestow his abundant blessing upon your Majesty and this present Parliament, so that all our Counsels and Resolutions being blessed by his Divine assistance, may produce much honour and safety to your Majesty, your People and Allies.

A

Saturday the 22 of *March* was spent in opening the grievances and state of the Kingdom, as billeting of Soldiers, Loans by Benevolences and Privy-Seal, and the imprisoning certain Gentlemen who refused to lend upon that account, who afterwards bringing their *Habeas Corpus* were notwithstanding remanded to prison; nor did the House encline to Supply his Majesty till these Grievances were redressed: To which purpose Sir *Francis Seimour* thus began;

Debates touching Grievances.

Sir *Francis Seimour.*

B "This is the great Council of the Kingdom, and here (if not here a-
"lone) his Majesty may see as in a true glass the state of the Kingdom; we
"are called hither by his Majesties writs to give him faithful counsel, such
"as may stand with his honor; but this we must do without flattery: we are
"sent hither by the Commons to discharge that trust reposed in us, by de-
"livering up their just grievances, and this we must do without fear: let us not
"therfore be like *Cambyses* Judges, who being demanded of their King, whe-
"ther it were not lawful for him to do what in it self was unlawful? They (ra-
C "ther to please the King, then to discharge their own consciences) answer-
"ed, that the Persian Kings might do what they listed: This base flattery
"tends to mischief, being fitter for reproof then imitation; and as flattery,
"so fear taketh away the judgment, let us not then be possessed with fear
"or flattery, of corruptions the basest: For my own part, I shall shun both
"these, and speak my conscience with as much duty to his Majesty as any
"man, but not neglecting the Publick, in which his Majesty and the Com-
"monwealth have an Interest: But how can we shew our affections whilst
D "we retain our fears? or how can we think of giving of Subsidies, till we
"know whether we have any thing to give or no? for if his Majesty be per-
"swaded by any to take from his Subjects what he will, and where it plea-
"seth him; I would gladly know what we have to give? Its true, it is ill
"with those Subjects that shall give Laws to their Princes, and as ill with
"those Princes which shall use force with those Laws; that this hath been
"done, appeareth by the billetting of Soldiers, a thing no way advantage-
"ous to his Majesties service, but a burden to the Commonwealth; This
E "also appeareth by the last Levy of money against an act of Parliament:
"Again, Mr *Speaker*, what greater proof can there be of this, then the im-
"prisonment of divers Gentlemen for the Loan, who if they had done the
"contrary for fear, their fault had been as great as theirs that were the Pro-
"jectors in it; and to countenance these Proceedings, hath it not been
"preached (or rather prated) in our pulpits, that all we have is the Kings,
"*Jure Divino*? say these time-servers; they forsake their own function, and
"turn ignorant States-men; we see how willing they will be to change a
F "good conscience for a Bishoprick, and (Mr *Speaker*) we see how easie it is
"for a Prince, how just and good soever, to be abused, in regard he must see
"with other mens eyes, and hear with other mens ears. Let us not flatter
"his Majesty, it is too apparent to all the world, the King and people suffer
"more now then ever: His Majesty in his Affairs abroad, and his People
"in their Estates at home: But will you know the reason of all this, let us

"look

An. 1627.

"look back to the Actions of former Princes, and we ſhall find that thoſe "Princes have been in greateſt want and extreamity that exacted moſt of "their Subjects and moſt unfortunate in the choice of their Miniſters, and "to have failed moſt in their undertakings; happy is that Prince that hath "thoſe that are faithful of his Council: That which his Majeſty wanted in "the management of his Affairs concerning *France* and *Spain*, I am clear "was his want of *faithful Council* to adviſe. The reaſon is plain, a Prince is "ſtrongeſt by faithfull and wiſe Council, I would I could truly ſay, ſuch A "have been imployed abroad. I will confeſs, and ſtill ſhall from my heart, "he is no good Subject, nor well affected to his Majeſty and the State, that "will not willingly and freely lay down his life, when the end may be the "ſervice of his Majeſty, and the good of the Commonweale: But on the "contrary, when againſt a Parliament Law the Subject ſhall have taken "from him, his goods againſt his will, and his liberty againſt the Laws of "the Land: ſhall it be accounted want of duty in us to ſtand upon our Pri- "viledges, hereditary to us, and confirmed by ſo many Acts of Parliament. B

"In doing this we ſhall but tread the ſteps of our forefathers, who ever "preferred the Publick Intereſt before their own right, nay, before their "own lives; nor can it be any wrong to his Majeſty to ſtand upon them ſo "as thereby we may be the better enabled to do his Majeſties ſervice; but "it will be a wrong to us and our poſterity and our conſciences, if we wil- "lingly forego that which belongs unto us by the Law of God, and of the "Land, and this we ſhall do well to preſent to his Majeſty; we have no "cauſe to doubt of his Majeſties gracious acceptation. C

Sir *Thomas Wentworth.*

"This Debate (ſaid Sir *Tho. Wentworth*) carries a double Aſpect towards "the Soveraign and the Subject, though both be innocent, both are injured, "and both to be cured: Surely, in the greateſt humility I ſpeak it, theſe ille- "gal ways are puniſhment and marks of indignation, the raiſing of Loans "ſtrengthned by Commiſſion, with unheard of Inſtructions and Oathes, the "billetting of Soldiers by the Lieutenants, and Deputy Lieutenants, have "been as if they could have perſwaded Chriſtian Princes, yea worlds, that "the right of Empires, had been to take away by ſtrong hands, and they "have endeavored as far as poſſible for them, to do it. This hath not been D "done by the King (under the pleaſing ſhade of whoſe Crown I hope we "ſhall ever gather the fruits of Juſtice) but by Projectors, who have extend- "ed the Prerogative of the King, beyond the juſt Symetry, which maketh "a ſweet harmony of the whole: They have brought the Crown into "greater want then ever, by anticipating the Revenues; And can the "Shepherd be thus ſmitten and the Speep not ſcattered? They have intro- "duced a Privy-Council raviſhing at once the Spheres of all ancient Go- "vernment, impriſoning us without either bail or bond; they have taken E "from us, what; ſhall I ſay indeed, what have they left us? All means of "ſupplying the King and ingratiating our ſelves with him, taking up the "root of all propriety, which if it be not ſeaſonably ſet again into the "ground by his Majeſties own hands, we ſhall have inſteed of beauty, bald- "neſs. To the making of thoſe whole, I ſhall apply my ſelf, and propound "a Remedy to all theſe diſeaſes. By one and the ſame thing have King "and People been hurt, and by the ſame muſt they be cured; to vindicate, F "what, new things? no our ancient vital Liberties, by reinforcing the an- "cient Laws made by our Anceſtors, by ſetting forth ſuch a Character of "them, as no licentious ſpirit ſhall dare to enter upon them; and ſhall we "think this is a way to break a Parliament? no, our deſires are modeſt and "juſt, I ſpeak truly, both for the intereſt of King and People, if we in- "joy not theſe, it will be impoſſible for to relieve him. There-

3 *Caroli.*

" Therefore let us never fear they ſhall not be accepted by his good-
" neſs; wherefore I ſhall ſhortly deſcend to my motions conſiſting of four
" parts, two of which have relation to our perſons, two to the propriety of
" goods for our perſons; firſt, the freedom of them from impriſonment.
" ſecondly, from imployment abroad, contrary to the ancient Cuſtoms:
" For our goods, that no Levies be made, but by Parliament; ſecondly,
" no billetting of Soldiers: It is moſt neceſſary that theſe be reſolved,
" that the Subject may be ſecured in both.

Sir *Benjamin Rudyard* ſtands up as a Moderator, and ſpake thus:

Sir *Benjamin Rudyard* acts the part of a Moderator.

" This is the Chryſis of Parliaments; we ſhall know by this if Parlia-
" ments live or die, the King will be valued by the ſucceſs of us, the Coun-
" cils of this Houſe will have opperations in all, 'tis fit we be wiſe. His
" Majeſty begins to us with affection, proclaiming, that he will relie on
" his peoples love; preſervation is natural, we are not now on the *bene eſſe*,
" but on the *eſſe*; be ſure *England* is ours, and then prune it; Is it no ſmall
" matter that we have provoked two moſt Potent Kings? we have united
" them, and have betrayed our ſelves more then our enemies could: Men
" and Brethren, what ſhall we do? is there no balm in *Gilead*? if the King
" draw one way, the Parliament another, we muſt all ſink: I reſpect no
" particular, I am not ſo wiſe to contemn what is determined by the major
" part, one day tells another, and one Parliament inſtructs another. I deſire
" this Houſe to avoid all conteſtations, the hearts of Kings are great, 'tis
" comely that Kings have the beter of their Subjects; give the King leave
" to come off, I believe his Majeſty expects but the occaſion, 'tis lawfull,
" and our duty to adviſe his Majeſty, but the way is to take a right courſe
" to attain the right end; which I think may be thus; by truſting the
" King, and to breed a truſt in him, by giving him a large Supply according
" to his wants, by proſtrating our Grievances humbly at his feet, from
" thence they will have the beſt way to his heart, that is done in duty to his
" Majeſty: And to ſay all at once, Let us all labor to get the King on our
" ſide, and this may be no hard matter, conſidering the neer ſubſiſtence
" between the King and people.

Sir *Edward Cook* ſpake next.

Sir *Edward Cook.*

" *Dum tempus habemus bonum operemur*, I am abſolutely to give Sup-
" ply to his Majeſty, yet with ſome caution: To tell you of Forein dangers
" and inbred evils, I will not do it; the State is inclining to a conſumpti-
" on, yet not incurable; I fear not Forein Enemies, God ſend us peace at
" home; for this diſeaſe I will propound remedies, I will ſeek nothing out
" of mine own head, but from my heart, and out of Acts of Parliament; I
" am not able to fly at all Grievances, but only at Loans: Let us not flat-
" ter our ſelves; who will give Subſidies if the King may impoſe what he
" will? and if after Parliament the King may inhaunce what he pleaſeth;
" I know the king will not do it, I know he is a Religious King, free from
" perſonal vices, but he deals with other mens hands, and ſees with other
" mens eyes; will any give a Subſidy, that may be taxed after Parliament
" at pleaſure? the King cannot tax any by way of Loans, I differ from
" them who would have this of *Loans* go amongſt Grievances, but I
" would have it go *alone*.

" Ile begin with a noble Record, it cheers me to think of it, 25. *E.* 3. it
" is worthy to be written in letters of gold; Loans againſt the will of the
" Subject are againſt reaſon and the Franchiſes of the Land, and they de-
" ſire reſtitution: what a word is that Franchiſe? The Lord may tax his
" Villain high or low, but it is againſt the Franchiſes of the Land, for free-

An. 1627.

"men to be taxed but by their consent in Parliament; Franchise is a "French word, and in Latine it is *Libertas*. In *Magna Charta* it is provi- "ded, that *Nullus liber homo capiatur vel imprisonetur aut dissesietur de libero "tenemento suo*, &c. *nisi per legale judicium parium suorum vel per legem terræ*; "which Charter hath been confirmed by good Kings above thirty times.

When these Gentlemen had spoken, Sir *John Cook*, Secretary of State took up the matter for the King, and concluded for redress of Grievances, so that Supplies take the precedency; And said,

Mr Secretary Cook.

"I had rather you would hear any then me; I will not answer what "hath been already spoken; my desire is not to stir, but to quiet, not to pro- "voke, but to appease: my desire is, that every one resort to his own heart "to reunite the King and the State, and to take away the scandal from us; "every one speaks from the abundance of his heart: I do conclude out of "every ones Conclusion, to give to the King, to redress Grievances; all "the difference is about the manner; we are all Inhabitants in one House, "the Commonwealth, let every one in somewhat amend his house, some- "what is amiss: but if all the House be on fire, will we then think of a- "mending whats amiss? will you not rather quench the fire? the danger all "apprehend. The way that is propounded, I seek not to decline; illegal "courses have been taken, it must be confessed, the redress must be by "Laws and Punishment: but withal add the Law of *Necessity*; Necessity "hath no Law, you must abilitate the State to do; what you do, by Pe- "tition require. It is wished we begin with Grievances, I deny not that we "prepare them, but shall we offer them first: will not this seem a Conditi- "on with his Majesty? do we not deal with a wise King, jealous of his "Honor? All Subsidies cannot advantage his Majesty so much, as that "his Subjects do agree to Supply him: This will amaze the Enemy more "then ten Subsidies; begin therefore with the King, and not with our "selves.

Sir *Robert Philips.*

"This dayes Debate (said Sir *Robert Philips*) makes me call to minde "the custom of the Romans, who had a solemn feast once a year for their "Slaves, at which time they had liberty (without exception) to speak what "they would, whereby to ease their afflicted minds, which being finished, "they severally returned to their former servitude. This may with some "resemblance and distinction well set forth our present State; where now "after the revolution of some time, and grievous sufferings of many vio- "lent oppressions, we have (as those Slaves had) a day of liberty of speech; "but shall not, I trust, be herein Slaves, for we are free: we are not Bond- "men, but Subjects; these after their Feast were Slaves again; but it is our "hope to return Freemen. I am glad to see this mornings work, to see "such a sense of the Grievances under which we groan. I see a concur- "rence of grief from all parts, to see the Subject wronged, and a fit way "to see the Subject righted: I expected to see a division, but I see honora- "ble conjunction, and I take it a good Omen. It was wished by one, that "there were a forgetfulness of all, let him not prosper that wisheth it not. "No, there is no such wayes to perfect remedy, as to forget injuries, but "not so to forget, as not to recover them. It was usual in *Rome* to "bury all injuries, on purpose to recover them. It was said by a Gentle- "man that ever speaks freely: *We must so govern our selves, as if this Par- "liament must be the Chrysis of all Parliaments, and this the last.* I hope "well, and there will be no cause for the King our Head to except against "us, or we against him. The dangers abroad are presented to us, he is no "English man that is not apprehensive of them.

"We

3 *Caroli.*

"We have provoked two Potent Kings(the one too near) who are too "ſtrongly joyned together; the dangers are not Chimerical but real, I ac- "knowledge it, but it muſt be done in proportion of our dangers at home; "I more fear the violation of Publick Rights at home, then a Forein Ene- "my: Muſt it be our duties and direction to defend Forein dangers, and "eſtabliſh ſecurity againſt them, and ſhall we not look at that which ſhall "make us able and willing thereunto? We ſhall not omit to confide and "truſt his Majeſty, otherwiſe our Councils will be with fears, and that be- "comes not Engliſhmen. The unaccuſtomed violences(I have nothing but "a good meaning) trench into all we have. To the four particulars already "mentioned wherein we ſuffer, one more may be added, Leſt God for- "bare to hear me in the day of my trouble; our Religion is made vendible "by Commiſſions: Alas! now a tolleration is granted(little leſs) and men "for pecuniary annual rates diſpenced withal, whereby Papiſts without fear "of Law practiſe Idolatry, and ſcoff at Parliaments, at Laws and all; it is "well known the people of this State are under no other ſubjection then "what they did voluntarily conſent unto by the original contract between "King and people; and as there are many Prerogatives and Priviledges "conferred on the King, ſo there are left to the Subject many neceſſary Li- "berties and Priviledges, as appears by the Common Laws and Acts of "Parliament, notwithſtanding what theſe two * *Sycophants* have prated in "the Pulpit to the contrary. Was there ever yet King of *England* that di- "rectly ever violated the Subjects Liberty and Property, but their actions "were ever complained of in Parliament, and no ſooner complained of then "redreſſed? 21 *E.*3. there went out a Commiſſion to raiſe money in a "ſtrange manner, the ſucceeding Parliament prayed redreſs, and till *H.* 8. "we never heard of the ſaid Commiſſions again.

* *Sibthorp* and *Manwaring.*

"Another way was by Loan, a worm that cankered the Law, the Par- "liament did redreſs it, and that money was paid again: The next little "Engine was *Benevolence*, what the force of that was, look into the Statute "of *R.*3. which damned that particular way, and all other indirect wayes.

"Since the Right of the Subject is thus bulwarkt by the Law of the "Kingdom, and Princes upon complaint have redreſſed them, I am con- "fident we ſhall have the like cauſe of joy from his Majeſty.

"I will here make a little digreſſion: The * County I ſerve for were "pleaſed to command me to ſeek the removal from them of the greateſt "burthen that ever people ſuffered. It was excellently ſaid, Commiſſionary "Lieutenants do deprive us of all Liberty; if ever the like was ſeen of the "Lieutenancy that now is, I will never be believed more; They tell the "people they muſt pay ſo much upon a warrant from a Deputy Lieute- "nant, or be bound to the good behavior, and ſent up to the Lords of the "Council; it is the ſtrangeſt Engine to rend the Liberty of the Subject that "ever was; there was now a *Decemviri* in every County, and amongſt that "*Decemviri* there is ſome *Claudius Appius* that ſeek their own revenges; "we complain of Loans and Impoſitions, but when Deputy Lieutenants "may ſend warrants to impriſon our perſons at pleaſure, if we pay not what "they ſent for, it concern us to preſerve the Country in Freedom, and to "conſider of this kind of people. There is now *neceſſity* brought in for an "argument, all know that *neceſſity* is an armed man, and that neceſſity is an "*evil Councellor*, I would we had never known that Council; we are almoſt "grown like the Turks, who ſend their Janizaries, who place the Halberd "at the door, and there he is maſter of the houſe. We have Soldiers billet- "ted, and warrants to collect money, which if they do not, the Soldiers muſt

* *Sommerſet-ſhire.*

An. 1627

" come and rifle. The Romans ſending one into *Spain*, found no greater
" complaint then the diſcontent that did ariſe from Soldiers placed
" amongſt them. I would you would look into *Forteſcue* where he puts
" the Prince in minde, what miſery he ſaw where Soldiers were put
" upon the people: But ſaith he, No man is forced to take Soldiers
" but Inns, and they to be paid by them; I deſire we reſort to his Majeſty
" for redreſs, and to reduce all into bounds.

" The other way of Grievance is a Judgement in a legal courſe of pro- A
" ceeding; we have had three Judgements of late times, all exceeding one
" another in prejudice of the Subject: The firſt was, That that was judged
" in all formality, the * *Poſtnati* Caſe, which people I honor; for we finde
" many of them love us more then we do our ſelves; I do not complain of
" it, but onely mention it.

* Scots.

" The other Judgement was for Impoſitions, which was given in the
" Exchequer, and this Houſe two times after damned that Judgement:
" how remiſs our eyes are upon that I grieve to ſee. B

" There is a Judgement, if I may ſo call it, a fatal Judgement againſt
" the Liberty of the Subject, *Mich.* 3. *Car.* in Sir *John Heveninghams*
" caſe argued at the Bar, and pronounced but by one alone; I can live,
" although another without title be put to live with me; nay, I can live,
" although I pay Exciſes and Impoſitions for more then I do; but to have
" my liberty which is the ſoul of my life taken from me by power, and to be
" pent up in a Goal without remedy by Law, and this to be ſo adjudged to C
" periſh in Goal, O Improvident Anceſtors! Oh unwiſe forefathers! to
" be ſo curious in providing for the quiet poſſeſſion of our Lands and Li-
" berties of Parliament, and to neglect our perſons and bodies, and to let
" them die in priſon, and that *durante beneplacito*, remedileſs: If this be
" Law, what do we talk of our Liberties? why do we trouble our ſelves
" with the diſpute of Law, Franchiſes, Propriety of goods? It is the *Summa*
" *totalis* of all miſeries; I will not ſay it was erroneous, but I hope we ſhall
" ſpeak our minds when that Judgment comes here to be debated.

" What may a man call his, if not Liberty? Having paſſed in ſome con- D
" fuſion in the faſhion of my d[illegible]ery. I conclude: We will conſider two
" particulars, his Majeſty, and his People: his Majeſty cals to us, and craves
" our aſſiſtance to revive again his Honor, and the Honor of the Nation:
" The people ſend us, as we hope, with that direction, that we ſhall return
" to them with that Olive-branch, that aſſurance of being free from thoſe
" calamities under which they can hardly breathe. Our ſins have brought
" on us thoſe miſeries, let us all bring our Portion to make up the wall: we
" come with Loyal hearts; his Majeſty ſhall find, that it is we that are his E
" faithfull Councellors; let all Sycophants be far removed from his Maje-
" ſty, ſince we cannot help his Majeſty without opening our Grievances;
" let us diſcharge our duties therein; yet while we ſeek Liberty, we will not
" forget Subjection; all things a State can be capable of, either bleſſings or
" puniſhments, depend on this meeting; if any think the King may be ſup-
" plied and the Commonwealth preſerved without redreſs of Grievances,
" he is deceived. The Kings of *England* were never more glorious then
" when they truſted their Subjects; let us make all haſte to do the Errand F
" for which we came, let the Houſe conſider to prepare our Grievances fit
" for his Majeſties view, not to make a Law to give us new Liberties, but
" Declaratory, with reſpective Penalties; ſo that thoſe which violate them,
" if they would be vile, they ſhould fear infamy with men; and then we ſhall
" think of ſuch a Supply as never a Prince received, and with our monies

" we

3 Caroli.

" we ſhall give him our hearts, and give him a new people raiſed from the " dead: Then I hope this Parliament will be entituled, The Parliament of " wonders, and Gods judgements diverted, and theſe beams of goodneſs " ſhall give us life, and we ſhall go home to our Countries, and leave our " Poſterity as free as our Anceſtors left us.

But this day, as alſo the two next dayes Debate produced no Reſolutions, the time being ſpent in a general opening of Grievances from all parts of the Kingdom.

Monday 24 *March* Secretary *Cook* renewed the motion of Supplies for his Majeſty, yet ſo that Grievances be likewiſe taken into Conſideration.

Secretary *Cook* moves for Supply for his Majeſty.

" We all think fit (ſaid he) that both theſe go hand in hand together; " but let me put you in mind of that which concerns the King, let him have " the precedency of honor, if not of time, let the heads of the Kings Sup- " ply firſt be propounded, this will be an honor to the King, and will do ſer- " vice to the Houſe; the end of this Parliament is the ſubſiſtence of the " King, as he himſelf hath declared, and ſuch a Command is not to be " ſlighted; the King himſelf propounded it, and then he will agree with " us in other requeſts that are fit for a King to give; we that have the hap- " pineſs to attend his Majeſty, can tell you, that no King is more ready to " hear the complaints of his Subjects, and withal you know no King is " more ſenſible of all reproaches which touch his Honor.

" Will it not be fit to grant him this Honor, to have the Precedency? " It was the Speech of an ancient Parliament man, Let us deal gently with " our King; by theſe Laws that we make we do bind our ſelves, and it is an " addition of his power: None that dies but leaves his heir to the favor of " the King, none that lives but needs the favor of the King: we having " made our firſt union with God, it is next intended, that we be at one with " our King, is it not fit we be at peace with our Head? his Majeſty deſires " it, and expects it: After this unity with our head, there is conſideration to " be had of unity with our ſelves, after this we ſhall be all knit in one body, " we ſhall all pronounce clearly *Shiboleth*, and we ſhall conſider of the Grie- " vances and irregularities of the times, which none deſires to be refor- " med more then his Majeſty and thoſe whom you think moſt averſe: " Let us take the beſt way for Reformation: And will not this be a happy " union, if the whole body concur to reduce all into regularity? if Laws be " our Birth-rights, we ſhall hereby recover them and their ſplendor; this " will have good aſpect abroad, and it will give courage to our men that " have been deſpiſed, and will prevent practiſes to continue diviſions a- " mongſt us both at home and abroad. The firſt Sower of ſeeds of diſtra- " ctions amongſt us, was an Agent of *Spain*, *Gondomar*, that did his Maſter " great ſervice here and at home.

" Since that we have had other Miniſters that have blown the fire: The " Ambaſſador of *France* told his Maſter at home, what he had wrought here " the laſt Parliament, namely, diviſions between King and people, and he " was rewarded for it. Whilſt we ſit here in Parliament, there was another " intended Parliament of * Jeſuites and other well-willers, within a mile of " this place; that this is true, was diſcovered by Letters ſent to *Rome*: The " place of their meeting is changed, and ſome of them are there where they " ought to be; if you look in your Calendar, there is a day of St *Joſeph*, " it was called in the Letter the Oriental day, and that was the day intend- " ed for their meeting. I ſpeak this to ſee Gods hand to work our union " in their diviſion; they are not more rent from us, then they are from " themſelves. I deſire the meaneſt judgement to conſider what may follow

* In *Clerkenwel.*

by

An. 1627.

"by giving precedency to his Majesty, and by so doing, we shall put from "our selves, many imputations. If we give any occasion of breach, it is "a great disadvantage; if otherwise it is an obligation to his Majesty, "which his Majesty will not forget.

Then he made a motion, that the same Committee may hear Propositions of general heads of Supply, and afterward go to other businesses of the day for Grievances. Others preferred the Consideration of Grievances, as a particular root that invades the main liberty of the Subject. It is the Law (said they) that glorious fundamental Right, whereby we have power to give; we desire but that his Majesty may see us have that right therein, which next to God we all desire; and then we doubt not but we shall give his Majesty all supply we can: The time was when it was usual to desire favors for sowing discords, as *Gondomar* did for *Raleigh*'s head. But the debates of this day came to no Resolution.

Thursday March 15. Mr Secretary *Cook* tenders Propositions touching Supply.

The day following Mr Secretary *Cook* tendred the House certain Propositions from the King, touching Supply; and told them, That his Majesty finding time precious, expects that they should begin speedily, lest they spend that time in deliberation which should be spent in action; that he esteems the Grievances of the House his own, and stands not on Precedence in point of honor. Therefore to satisfie his Majesty, let the same Committee take his Majesties Propositions into consideration, and let both concur, whether to sit on one in the forenoon, or the other in the afternoon, it is all one to his Majesty.

The House turned into a Committee.

Hereupon the House turned themselves into a Committee, and commanded *Edward Littleton* Esquire unto the Chair, and ordered the Committee to take into Consideration the Liberty of the Subject, in his Person, and in his Goods; and also to take into Consideration his Majesties Supply. In this Debate the Grievances were reduced to six Heads, as to our Persons.

1. Attendance at the Council Board.
2. Imprisonment.
3. Confinement.
4. Designation for Forein Imployment.
5. Martial-Law.
6. Undue Proceedings in matter of Judicature.

Habeas Corpus and the Liberty of the Subject debated.

The first matter debated, was the Subjects Liberty in his Person; the particular instance was in the Case of Sir *John Heveningham*, and those other Gentlemen who were imprisoned about Loan-money, and thereupon had brought their *Habeas Corpus*, had their Case argued, and were nevertheless remanded to Prison, and a Judgment, as it was then said, was entred. Whereupon Mr. *Creswell* of *Lincolns Inn* spake to this purpose.

Mr *Creswel.*

"Justice (said he) is the Life and the Heart-blood of the Common-"wealth: and if the Commonwealth bleed in the master vein, all the "Balm in *Gilead* is but in vain to preserve this our Body of Policy from "ruin and destruction, Justice is both *Columna & Corona Reipublicæ*; She "is both the Columne and the Pillar, the Crown and the Glory of the "Commonwealth; this is made good in Scripture by the Judgement of "*Solomon*, the wisest King that ever Raigned upon Earth. For first, She is "the Pillar; for he saith, *By Justice the Throne shall be Established.* Second-"ly, She is the Crown; for he saith, *That by Justice a Nation shall be Exalted.*

"Our Laws which are the rules of this Justice, they are the *ne plus ul-"tra* to both the King and the Subject; and as they are the *Hercules* Pil-"lar, so they are the Pillar to every *Hercules*, to every Prince, which he "must not pass.

Give

3 Caroli.

"Give me leave to reſemble her to *Nebuchadnezzar*'s Tree, for ſhe is "ſo great, that ſhe doth ſhade not onely the Palace of the King and the "Houſe of Nobles, but doth alſo ſhelter the Cottage of the pooreſt Begger.

"Wherefore, if either now the blaſts of indignation, or the unreſiſt- "able violater of Laws, *Neceſſity*, hath ſo bruiſed any of the Branches of "this Tree, that either our Perſons, or Goods, or Poſſeſſions have not the "ſame ſhelter as before, yet let us not therfore neglect the root of this A "great Tree, but water it with our Tears, that ſo theſe bruiſed Branches "may be recovered, and the whole Tree again proſper and flouriſh. I know "well, that *Cor regis inſcrutabile*; and that Kings, although they are but "men before God, yet they are gods before men. And therefore to my "gracious and dread Soveraign (whoſe vertues are true qualities, ingene- "rate both in his judgment and nature) let my arm be cut off; nay, let my "ſoul not live that day that I ſhall dare to lift up my arm to touch that "forbidden Fruit, thoſe Flowers of his Princely Crown and Diadem.

B "But yet in our *Eden*, in this Garden of the Commonwealth, as there "are the Flowers of the Sun, which are ſo glorious, that they are to be "handled only by Royal Majeſty: So, are there alſo ſome Dayſies, and "wholeſom Herbs, which every common hand that lives and labors in this "Garden may pick and gather up, and take comfort and repoſe in them: "Amongſt all which this *Oculus Dei*, this *bona libertas* is one, and the chief "one. I will now deſcend to the Queſtion, wherein I hold with all dutiful "ſubmiſſion to better judgments, that theſe acts of Power, in impriſon- C "ing and confining of his Majeſties Subjects in ſuch manner, without any "Declaration of the Cauſe, are againſt the fundamental Laws and Liber- "ties of this Kingdom.

"The firſt from the great favor which the Law doth give unto, and "the great care which it hath ever taken of, the Liberty and ſafety of this "Kingdom.

"To proceed therefore in maintenance of my firſt reaſons. I find our Law "doth ſo much favor the Subjects Liberty of his perſon, that the body of a D "man was not liable to be arreſted or impriſoned for any other Cauſe at the "Common-Law, but for force and things done againſt the Peace: For the "Common-Law (being the preſerver of the Land) ſo abhorreth force, that "thoſe that commit it ſhe accounteth her capital Enemies, and therefore "did ſubject their bodies to impriſonment. But by the Statute of *Marle-* "*bridge cap.* 24. which was made 35 *H.* 3. who was the eighth King from "the Conqueſt, becauſe Bailiffs would not render accompts to their "Lords, it was enacted, that their bodies ſhould be attatched. And after E "by the Stat: 23 *E.* 3. 17. who was the eleventh King after the Conqueſt, "becauſe men made no conſcience to pay their Debts, it was enacted, that "their bodies ſhould likewiſe be attached: But before thoſe Statutes, no "mans body was ſubject to be taken or impriſoned, otherwiſe then as a- "foreſaid, whereby it is evident, how much the Common-Law favored the "Liberty of the Subject, and protected his body from impriſonment.

Here he enforced the Reaſon by a Rule in Law, and mentioned ſome Caſes in Law upon that rule, and ſo proceeded to a ſecond Reaſon, drawn by an Argument *à majore ad minus*.

F "I frame it thus (ſaid he) If the King have no abſolute power over our "Lands or Goods, then *à fortiori*, not over our Perſons, to impriſon them, "without declaring the cauſe, for our perſons are much more worth, then "either Lands or Goods; which is proved by what I have ſaid already: "And Chriſt himſelf makes it clear, where he ſaith, *An non eſt corpus ſupra*

"*veſtimentum?*

An. 1627.

"veſtimentum? Is not the Body of more worth then the Raiment? Nay, I may "well ſay, that almoſt every leaf and page of all the Volumes of our Com- "mon-Law prove this right of Propriety, this diſtinction of *meum* and *tu- "um*, as well between King and Subject, as one Subject and another: And "therefore my concluſion follows, that if the Prerogative extend not nei- "ther to Lands nor to Goods, then *à fortiori*, not to the Perſon, which is "more worth then either Lands or Goods, as I ſaid. And yet I agree, that "by the very Law of Nature, ſervice of the Perſon of the Subject is due A "to his Soveraign, but this muſt be in ſuch things which are not againſt the "Law of Nature; but to have the body impriſoned without any cauſe de- "clared, and ſo to become in bondage, I am ſure is contrary unto, and a- "gainſt the Law of Nature, and therefore not to be inforced by the So- "veraign upon his Subjects.

3. "My next Reaſon is drawn *ab inutili & incommodo*; for the Statute "*de frangentibus priſonam* made 1 *E.*2. is, *Quod nullus qui priſonam fregerit* "*ſubeat judicium vitæ vel membrorum pro fractione priſonæ tantum niſi cauſa* B "*pro qua captus impriſonetur tale judicium requirat*, whence this concluſion is "clearly gathered, that if a man be committed to priſon without declaring "what cauſe; and then if either Malefactor do break the Priſon, or the "Gaoler ſuffer him to eſcape, albeit the Priſoner ſo eſcaping had commit- "ted *crimen læſæ Majeſtatis*; yet neither the Gaoler, nor any other that "procured his eſcape, by the Law ſuffer any corporal puniſhment for ſet- "ting him at large; which if admitted, might prove in conſequence a mat- "ter of great danger to the Commonwealth. C

4. "My next Reaſon is drawn *ab regis honore*, from that great Honor the "Law doth attribute unto Soveraign Majeſty, and therefore the rule of "Law is that *Solum Rex hoc non poteſt facere, quod non poteſt juſtè agere*. And "*Huſſey* chief Juſtice, 1 *H.*7. ſaith, that Sir *John Markham* told King *E.* 4. "he could not arreſt a man either for Treaſon or Felony, as a Subject "might, becauſe that if the King did wrong, the party could not have an "Action againſt him; and if the Kings Writ under his Great-Seal cannot "impriſon the Subject, unleſs it contains the cauſe; ſhall then the Kings D "Warrant otherwiſe do it, without containing the cauſe? that his Judge "upon the return thereof, may likewiſe judge of the ſame.

"But I will conclude with that which I finde reported of Sir *John Da- "vis*, who was the Kings Serjeant, and ſo by the duty of his place would no "doubt maintain, to his uttermoſt, the Prerogatives of the King his Royal "Maſter: And yet it was by him thus ſaid in thoſe Reports of his up- "on the Caſe of Taviſtry-Cuſtoms, That the Kings of *England* alwayes "have had a Monarchy Royal, and not a Monarchy Seignoral: where, un- E "der the firſt ſaith he, *The Subjects are Freemen, and have Propriety in their "Goods and Free-hold, and Inheritance in their Lands: But under the later, "they are as Villains and Slaves, and have propriety in nothing.* And there- "fore ſaid he, *When a Royal Monarch makes a new conqueſt; yet if he receives "any of the Nations ancient Inhabitants into his Protection, they and their heirs "after them ſhall enjoy their Lands and Liberties according to the Law.* And "there he vouched this Preſident and Judgment following, given before F "*William* the Conqueror; viz. *That one* Sherborn, *a* Saxon, *at the time of the "Conqueſt being owner of a Caſtle and Lands in* Norfolk, *the Conqueror gave "the ſame to one* Warren *a* Norman, *and* Sherborn *dying, the heir claiming "the ſame by diſcent, according to the Law; it was before the Conqueror him- "ſelf adjudged for the heir, and that the gift thereof by the Conqueror was void.*

Upon this and other Arguments made in this Caſe of the *Habeas Corpus*, the

4 *Caroli.*

the Houſe referred the whole Buſineſs to a Committee to examine all the Proceeding: Concerning which Mr *Selden* afterward made report to the Houſe, that Mr *Waterhouſe* a Clerk in the Crown Office, being examined before the Committee, did confeſs, that by direction from Sir *Robert Heath* the Kings Attorney-General, he did write the draught of a Judgement in the Caſe before mentioned, which was delivered to Mr Attorney. And Mr *Keeling* being examined before the Committee, did confeſs, A that after *Mich:* Term laſt the Attorney General wiſhed him to make a ſpecial Entry of the *Habeas Corpus*: To which he anſwered, he knew no ſpecial Entry in thoſe Caſes, but onely a *remittitur*: But ſaid to Mr Attorney, that if he pleaſed to draw one, and the Court afterwards aſſent to it, he would then enter it. The Attorney did accordingly make a draught, and the Copy thereof Mr *Keeling* produced to the Committee. And further ſaid, that he carried this draught to the Judges, but they would not aſſent to a ſpecial Entry: Nevertheleſs, the At. General divers B times ſent to him, and told him there was no remedy, but he muſt enter it. Yet a week before the Parliament the Att. General called for the draught again, which accordingly he gave unto him, and never heard of it more.

Sir *Robert Philips* upon this Report gave his opinion, "That this intended Judgement in the *Habeas Corpus* was a draught made by ſome man "that deſired to ſtrike us all from our Liberties: but the Judges juſtly "refuſed it; but if the Judges did intend it, we ſit not here (ſaid he) to "anſwer the truſt we are ſent for, if we preſent not this matter to his Ma- C "jeſty. Let this buſineſs be further ſearched into, and ſee how this Judge- "ment lies againſt us, and what the Judges do ſay concerning the ſame.

Sir *Robert Philips.*

Sir *Edw. Cook* proceeded and ſaid, "This Draught of the Judge- "ment will ſting us, *quia nulla cauſa fuit oſtenta*, being committed by com- "mand of the King, therefore he muſt not be bailed: What is this, but to "declare upon Record, that any Subject, committed by ſuch abſolute "command, may be detained in Priſon for ever? What doth this tend to "but the utter ſubverſion of the choiſe Liberty and Right belonging to D "every free-born Subject of this Kingdom? I fear, were it not for this Par- "liament, that followed ſo cloſe after that form of Judgement was drawn "up, there would have been hard putting to have had it entred: But a Par- "liament brings Judges, Officers, and all men in good order.

Sir *Edward Cook.*

The Commons afterwards upon further debates of this matter, deſired, that the Judges of the Kings-Bench might declare themſelves concerning this buſineſs, which was done accordingly, and though it be a little out of time; yet for coherence ſake, we bring it in here.

E Judge *Whitlock* ſpake thus.

"*My Lords*, We are, by your appointment, here ready to clear any "Aſperſion of the Houſe of Commons in their late preſentment upon "the Kings-Bench, that the Subject was wounded in the Judgement there "lately given. If ſuch a thing were, My Lords, your Lordſhips, not they, "have the power to queſtion and judge the ſame. But, My Lords, I ſay "there was no Judgement given, whereby either the Prerogative might "be enlarged, or the Right of the Subject trenched upon. It is true, my F "Lords, in *Mich:* Tearm laſt, four Gentlemen Petitioned for a *Habeas Cor-* "*pus*, which they obtained, and Counſel was aſſigned unto them, the Re- "turn was *per ſpeciale mandatum Domini Regis*, which likewiſe was made "known to us under the Hands of Eighteen Privy-Councellors. Now, "my Lords, if we had delivered them preſently upon this, it muſt have "been, becauſe the King did not ſhew cauſe wherein we ſhould have

Judge *Whitlock* in juſtification of the Proceedings in the Upper-Bench upon the *Habeas Corpus.*

An. 1627. "judged the King had done wrong, and this is beyond our knowledge; "for he might have committed them for other matters then we could have "imagined; but they might ſay thus, they might have been kept in Pri- "ſon all their dayes: I anſwer, no, but we did remit them, that we might "better adviſe of the matter; and they the next day might have had a "a new Writ, if they had pleaſed. But they ſay we ought not to have "denied bail: I anſwer, if we had done ſo, it muſt needs have reflected up- "on the King, that he had unjuſtly impriſoned them. And it appears in A "*Dyer*, 2 [illegible]. that divers Gentlemen being comm[illegible], and requiring "*Habeas Corpus*, ſome were bailed, others remitted: whereby it appears, "much is left to the diſcretion of the Judges.

For that which troubleth ſo much *remittitur quouſq*; This, my Lords "was onely (as I ſaid before) to take time what to do: and whereas they "will have a difference between *remittitur* & *remittitur quouſq*; My Lords, "I confeſs, I can finde none; but theſe are new inventions to trouble old B "Records. And herein, my Lords, we have dealt with knowledge and un- "derſtanding; for had we given a Judgement, the party muſt thereupon "have reſted; every Judgement muſt come to an iſſue in matter, in fact, "or demur in point of Law; here is neither; therefore no Judgement.

"For endeavoring to have a Judgement entred (it is true) Mr At- "torney preſſed the ſame for his Majeſties Servies: But we having ſworn "to do right between his Majeſty and his Subjects, commanded the Clerk "to make no Entry, but according to the old form; and the Rule was gi- "ven by the Chief Juſtice alone. I have ſpent my time in this Court, and C "I ſpeak confidently, I did never ſee nor know by any Record, that upon "ſuch a Return as this a man was bailed, the King not firſt conſulted with, "in ſuch a Caſe as this.

"The Commons Houſe do not know what Letters and Commands "we receive; for theſe remain in our Court, and are not viewed by them. "For the reſt of the matters preſented by the Houſe of Commons, they "were not in agitation before us, whether the King may commit, and how "long he may detain a man committed. Therefore having anſwered ſo D "much as concerneth us; I deſire your Lorſhips good Conſtruction of "what hath been ſaid.

Judge *Dode-ridge* the like. Judge *Doderidge*, concerning the ſame Subject, ſaid, "It is no more "fit for a Judge to decline to give an accompt of his doings, then for a "Chriſtian of his Faith. God knoweth, I have endeavored alwayes to "keep a good Conſcience; for a troubled one, who can bear? The "Kingdom holds of none but God; and Judgements do not paſs pri- "vately in Chambers, but publickly in Courts, (where every one E "may hear) which cauſeth Judgement to be given with maturity. "Your Lordſhips have heard the Particulars given by my brother, "how that Counſel being aſſigned to thoſe four Gentlemen in the "latter end of *Mich.* Term their Cauſe received hearing, and upon conſi- "deration of the Statutes and Records, we found ſome of them to be ac- "cording to the good old Law of *Magna Charta*; but we thought "that they did not come ſo cloſe to this Caſe, as that bail ſhould be "thereupon preſently granted. My Lords, the *Habeas Corpus* conſiſteth F "of three parts; The Writ, the Return upon the Writ or Schedule, and "the Entry or Rule reciting the *Habeas Corpus* and the Return, together "with the opinion of the Court, either a *remittitur*, or a *traditur in Balli-* "*um*. In this Caſe a *remittitur* was granted, which we did, that we might "take better adviſement upon the Caſe, and upon the *remittitur*. My

Lords,

3 Caroli.

"Lords, they might have had a new Writ the next day, and I wiſh they "had, becauſe it may be they had ſeen more, and we had been eaſed of a "great labour. And, my Lords, when the Attorney, upon the *Remittitur* "preſſed an Entry, we all ſtraitly charged the Clerk that he ſhould make "no other Entry, then ſuch as our Predeceſſors had uſually made in like "Caſes. For the difference between *Remittitur* and *Remittitur quouſq;* I "could never yet finde any: I have now ſate in this Court 15 years, and "I ſhould know ſomething: ſurely, if I had gone in a Mill ſo long, duſt "would cleave to my clothes. I am old, and have one foot in the Grave, "therefore I will look to the better part as near as I can. But *Omina ha-*"*bere in memoria, & in nullo errare, Divinum potius eſt quàm humanum.*

The Lord Chief Juſtice *Hide*, and Juſtice *Jones* delivered their opinions much to the ſame purpoſe. The Houſe proceeded in further debate of the Liberty of the Subject.

Mr *Hackwel* reſumes the Debate of the mattter concerning the *Habeas Corpus*.

Mr *Hackwel* reſumes the Debate of the *Habeas Corpus*

"The late Judgement (ſaid he) which lies in Bar, is onely an Award, "and no Judgement; and in the L. Chief Juſtice his Argument there was "no word ſpoken, that the King might commit or detain without cauſe.

"For the King to commit a man, is *indignum Regi*: Mercy and Honor "flow immediately from the King, Judgement and Juſtice are his too, "but they flow from his Miniſters; the Sword is carried before him, but "the Scepter in his hands. Theſe are true Emblems of a good King.

"The Law admits not the King power of detaining in Priſon at plea-"ſure. In antient times Priſons were but *pro cuſtodia, carceres non ad pœ-*"*nam, ſed ad cuſtodiam*: Admit the King may commit a man, yet to de-"tain him as long as he pleaſeth is dangerous, and then a man ſhall be pu-"niſhed before his offence: Impriſonment is a Maceration of the body, "and horror to the minde, it is *vita pejor morte*.

Mr *Selden*.

Mr *Selden* laſt of all produced the Statutes, Preſidents, and Book-Caſes, which were expreſſe in point to the Queſtion in hand; and the Houſe commanded that Caſe in the Lord Chief Juſtice *Anderſons* Book, all of his own hand-writing, to be openly read.

And for the Preſident cited by the Kings Councel, in 34 year of the Queen, as the Opinion of all the Judges; certainly, there was a great miſtake in it, and the miſtake was the greater, when it paſſed as currant by the Judges of the Kings-Bench, in the laſt Caſe of the *Habeas Corpus*. And that the truth of the Opinion may clearly appear, let us read the words out of the Lord Chief Juſtice *Anderſons* Report, out of the Book written with his own hand, which will contradict all theſe Apocrypha Reports that go upon the Caſe: The words of the Report were theſe.

Judge *Anderſons* Reports. 2 Anderſ. 1 Part 297 298.

Divers perſons fueront committes a ſeveral temps a ſeveral priſons ſur pleaſure ſans bon cauſe parte de queux eſtiant amenes en banck le Rey. Et parte en le Commune banck fuerunt accordant a le ley de la terre miſe a large & diſcharge de lo impriſonment, pur que aucun grands fueront offendus & procure un commandment a les Judges que ils ne fera ainſi apres. Ceo nient meins, les Judges ne ſurceaſe mes per adviſe enter eux ils feſoint certain Articles le te-"*nour de queux enſuis, & deliver eux al ſeigniours Chancelor & Treaſurer & eux ſubſcribe avec tauts lour mainies, les Articles ſont cume enſuoint.*

We her Majeſties Juſtices of both Benches and Barons of the Exchequer, de-"*ſire your Lordſhips that by ſome good means ſome order may be taken, that her Highneſs Subjects may not be committed or detained in priſon by commandment*

An. 1627. *of any Noble man or Counceller against the Laws of the Realm; either else to help us to have access to her Majesty, to the end to become Suitors to her for the same: for divers have been imprisoned for suing ordinary Actions and Suits at the Common-Law, until they have been constrained to leave the same against their wills, and put the same to order, albeit Judgement and Execution have been had therein to their great losses and griefs: for the aid of which persons her Majesties Writs have sundry times been directed to sundry persons having the Custody of such persons unlawfully imprisoned, upon which Writs no good or lawfull cause of imprisonment hath been returned or certified: Whereupon, according to the Laws they have been discharged of their imprisonment; some of which persons so delivered, have been again committed to prison in secret places, and not to any common or ordinary Prison, or lawfull Officer or Sheriff, or other lawfully authorized, to have or keep a Goal: So that upon complaint made for their delivery, the Queens Courts cannot tell to whom to direct her Majesties Writs; and by this means Justice cannot be done. And moreover, divers Officers and Serjeants of* London *have been many times committed to Prison for lawfull executing of her Majesties Writs, sued forth of her Majesties Court at* Westminster, *and thereby her Majesties Subjects and Officers are so terrified, that they dare not sue or execute her Majesties Laws, her Writs and Commandments: Divers others have been sent for by Pursevants, and brought to London from their dwellings, and by unlawfull imprisonment have been constrained, not only to withdraw their lawfull suits, but have been also compelled to pay the Pursevants so bringing such persons great sums of money. All which upon complaint, the Judges are bound by Office and Oath to relieve and help, by, and according to her Majesties Laws. And where it pleaseth your Lordships to will divers of us to set down in what Cases a Prisoner sent to custody by her Majesty or her Councel, are to be detained in Prison and not to be delivered by her Majesties Court or Judges: We think, that if any person be committed by her Majesties command, from her person, or by order from the Council board, and if any one or two of her Council commit one for high Treason, such persons so in the Cases before committed, may not be delivered by any of her Courts, without due Trial by the Law, and Judgement of acquittal had. Nevertheless the Judges may award the Queens Writ, to bring the bodies of such Prisoners before them; and if upon return thereof, the causes of their commitment be certified to the Judges, as it ought to be, then the Judges in the Cases before, ought not to deliver him, but to remand the Prisoner to the place from whence he came, which cannot conveniently be done, unless notice of the cause in general, or else in special, be given to the Keeper or Goaler that shall have the Custody of such a Prisoner. All the Judges and Barons did subscribe their names to these Articles,* Ter. Paschæ 34 Eliz. *and delivered one to the L. Chancellor, and another to the L. Treasurer: after which time there did follow more quietness then before, in the Cause before mentioned.*

Sir *Edward Cook.*

After the reading of this Report, Sir *Edw. Cook* said, "That of my "own knowledge this Book was written with my L. *Anderſons* own hand; "it is no flying report of a young Student. I was Solicitor then, and Trea- "surer *Burley* was as much against Commitment as any of this Kingdom; "It was the *White Staves* that made this stir. Let us draw towards a con- "clusion: The Question is, whether a Feeman can be imprisoned by the "King without setting down the cause? I leave it as bare as *Æsops* Crow; "they that argue against it, *Humores moti & non remoti corpus destruunt.* It "is a Maxime, the Common-Law hath admeasured the Kings Prerogative, "that in no Case it can prejudice the Inheritance of the Subjects; had the "Law given the Prerogative to that which is taken, it would have set "some time to it, else mark what would follow. I shall have an Estate of In- "heritance

4 Caroli.

"heritance for life, or for years in my Land, or propriety in my Goods, and "I shall be a Tenant at will for my liberty: I shall have propriety in my own "house, and not liberty in my person, *Perspicuè vera non sunt probanda.* The "King hath distributed his Judicial power to Courts of Justice, and to Mi-"nisters of Justice, it is too low for so great a Monarch as the King is, to "commit men to Prison; and it is against Law, that men should be com-"mitted, and no cause shewed. I would not speak this, but that I hope my "Gracious King will hear of it; yet it is not I *Edw. Cook* that speaks it, "but the Records that speak it, we have a National appropriate Law to "this Nation *diversis ab orbe Brittannis*: I will conclude with the *Acts of "the Apostles*, chap. 25. *It is against reason to send a man to Prison, and not to "shew the cause.* It is now time to go to the Question.

Resolved upon the Question, Nemine contradicente:

Resolves touching the Subjects liberty in his Person.

I. That no Freeman ought to be detained or kept in Prison, or otherwise restrained by the command of the King or the Privy-Council, or any other, unless some cause of the commitment, detainer or restraint be expressed, for which by Law he ought to be committed, detained or restrained.

II. That the Writ of *Habeas Corpus* may not be denied, but ought to be granted to every man that is committed or detained in Prison, or otherwise restrained, though it be by the command of the King, the Privy-Council, or any other, he praying the same.

III. That if a Freeman be committed or detained in prison, or otherwise restrained by the Command of the King, the Privy-Council, or any other, no cause of such Commitment, Detainer or Restraint being expressed, for which by Law he ought to be committed, detained, or restrained, and the same be returned upon a *Habeas Corpus*, granted for the said Party, then he ought to be delivered or bailed.

And then taking into consideration the Property of the Subject in his Goods, they came to this Resolution, to which there was not a Negative; *viz.*

That it is the antient and undubitable right of every Freeman, That he hath a full and absolute Property in his Goods and Estate, that no Tax, Tallage, Loan, benevolence, or other like charge ought to be commanded, or levied by the King, or any of his Ministers without common consent by Act of Parliament.

Wednesday, March 26.

An. 1628.

The Kings Propositions to the House of Commons touching Supply.

The Propositions tendred the day before by Secretary *Cook* from his Majesty were now received and read, but the Debate thereof was referred to another day. The Propositions were these; *viz.*

1. To furnish with men and Victuals 30 ships to guard the narrow Seas, and along the Coasts.

2. To set out ten other ships for the relief of the Town of *Rochel.*

3. To set out ten other ships for the preservation of the *Elbe*, the *Sound* and *Baltick-Sea.*

4. To leavy Arms, Cloth, Victual, pay and transport an Army of 1000. Horse, and 10000. Foot, for Forein Service.

5. To pay and supply 6000 l. more for the service of *Denmark.*

6. To supply the Forts of the Office of Ordnance.

7. To supply the Stores of the Navy.

8. To build 20 ships yearly for the increase of the Navy.

9. To repair the Forts within the Land.

10. To pay the arrears of the Office of Ordnance.

11. To pay the arrears of the Victuallers Office.

12. To

An. 1628.

12. To pay the Arrear of the Treasure of the Navy.

13. To pay the Arrears due for the freight of divers Merchants ships imployed in his Majesties Service.

14. To provide a Magazine for Victuals for Land and Sea-service.

And the Commons having a Conference with the Lords about the Petition against Recusants, Secretary *Cook* was appointed to manage the said Conference.

A Conference between the Lords and Commons, managed by Secretary *Cook* against Recusants.

"In the first place (the said) we acknowledge all due honor, both "unto the reverend Fathers of the Church, and to our Noble Lords; "in that ye have shined before us as worthy Lights in the encouragement "and maintenance of true Religion, being the true support of all Digni- "ties and Honors. And this forwardness of you is the more earnestly "when that viperous Generation, as your Lordships justly stiled them, do "at ease with tooth and nail essay to rend the Bowels of their Mother. "Give me leave to tell you what I know, that these now both vaunt at "home and write to their friends abroad, They hope all will be well, and "doubt not to prevail, and to win ground upon us.

"And a little to awake the Zeal and Care of our learned and grave "Fathers, it is fit that they take notice of that Hierarchy which is already "established in competition with their Lordships; for they have a Bishop "consecrated by the Pope; This Bishop hath his Subalternate Officers "of all kindes, as Vicars General, Arch-Deacons, Rural-Deans, Appa- "rators, and such like: neither are these nominal or titular Officers "alone, but they all execute their Jurisdictions, and make their ordinary "visitations through the Kingdom, keep Courts, and determine Ec- "clesiastical Causes. And which is an Argument of more consequence, "they keep ordinary intelligence by their Agents in *Rome*, and hold cor- "respondence with the Nuntio's and Cardinals both at *Brussels*, and in "*France*.

"Neither are the Seculars alone grown to this height, but the Regu- "lars are more active and dangerous, and have taken deep root; they "have already planted their Societies and Colledges of both Sexes, they "have setled Revenues, Houses, Libraries, Vestments, and all other ne- "cessary provisions, to travel or stay at home: nay, even at this time they "intend to hold a concurrent Assembly with this Parliament.

"But now since his Sacred Majesty hath extended his Royal arm, "and since the Lords of his Council have by their Authority caused this "nest of Wasps to be digged out of the Earth, and their Convocations "to be scattered; And since your Lordships joyn in courage and resolu- "tion, at least to reduce this people to their lawful restraint, that they may "do no more hurt, we conceive great hope and comfort, that the Almighty "God will from henceforth prosper our endeavors both at home and "abroad.

"But now, my Lords, to come to the chief Errand of this our meet- "ing, which is to make known to you the Approbation of our House of "that Petition to his Majesty, wherein you are pleased to request our con- "currence. The House hath taken it into serious consideration, and from "the beginning to the end approves of every word, and much commends "your happy pen; onely we are required to present unto you a few Addi- "tions whereby we conceive the Petition may be made more agreeable to "the Statutes which are desired to be put in execution, and to a former "Petition granted by his Majesty, Recorded in both Houses, confirmed "under the Broad-Seal of *England*, and published in all our Courts of or- "dinary Justice.

4 Caroli.

"But these things we propound, not as our Resolutions, or as matters to "raise debate or dispute, but commend them onely as our advice and de- "sire, being ready notwithstanding to joyn with your Lordships in the "Petition, as now it is, if your Lordships shall not finde this Reason to be "of weight.

This being agreed unto; on *Monday* the 31 of *March*, the aforesaid Petition was presented by his Majesty to both Houses; at the delivery whereof the Lord Keeper spake as followeth.

Most Gracious Soveraign,

The Lord Keepers Speech at the presenting a Petition from both Houses against Recusants.

"THe Lords Spiritual and Temporal, and Commons in this present "Parliament assembled, out of due care of the Glory of Almighty "God, and of the Honor and Safety of your Majesty, do with all "humbleness, and with one unanimous, consent present to your Royal "hands, the most Loyal desires of all their hearts; which is set down in a "dutifull Petition, which is to quicken the Laws against the Perturbers "of the Peace of all States: We cannot, nor do not forget your Maje- "sties most gracious Acts and Answers on the like Petition; they are vi- "sible to the world, to your Majesties honor and comfort: We bend our "knees and hearts, blessing God and your Majesty therefore; yet let it "not seem needless, that we repair again to your Majesty: The Husband- "man knows what Weeds are not destroyed at one weeding. These are "growing Evils, they are Weeds of a spreading nature: And we that "come from all parts do think it our duty to tell your Majesty, that Gods "Vineyard is not yet cleansed. And God himself requires, that we pray to "him often, even for what he means and promiseth to bestow on us. But "my Message comes from the Pen of both Houses: And therefore I hum- "bly beseech your Majesty to lend a gracious ear to hear me read the "Petition.

After the reading thereof, his Majesty made this short speech.

My Lords and Gentlemen,

The Kings Answer to the Petition.

"I Do very well approve the Method of your proceedings in this Par- "liament; *A Jove principium*; hoping that the rest of your Consultati- "ons will succeed the happier. And I like the Preamble of my Lord "Keeper, otherwise I should have a little suspected that you had thought "me not so careful of Religion as I have, and ever shall be, wherein I am "as forward as you can desire. And for the Petition, I answer first in ge- "neral, That I like it well, and will use these as well as other means for the "maintenance and propagation of that Religion wherein I have lived, and "do resolve to die. But for the particulars, you shall receive a more full "Answer hereafter. And now I will only add this; That as we pray to "God to help us, so we must help our selves: For we can have no assu- "rance of his assistance, if we do lie in bed, and only pray, without using "other means. And therefore I must remember you, that if we do not "make provision speedily, we shall not be able to put one ship to Sea this "year. *Verbum sapienti sat est.*

Afterwards the Lord Keeper signified unto the House, That his Ma- jesty had now given his Answer unto the Petition exhibited by both Houses against Recusants, and had commanded his Lordship to read the same Answer in this House; and Mr Secretary to read it in the House of Commons. Whereupon the Clerk read the first Article of the said Peti-

tion,

An. 1628. tion, and the Lord Keeper read his Majesties Answer unto the same, and so each Article thereof.

The which Petition with the Answers follow *in hac verba.*

Most Gracious Soveraign,

WE your most Loyal and obedient Subjects, the Lords Spiritual and Temporal, and Commons in Parliament assembled, having to our singular comfort obtained your Majesties pious and gracious assent for a Publick Fast, to appease the wrath of Almighty God kindled against us, and to prevent those grievous Judgments, which do apparently press upon us, do in all humility present unto your Sacred Majesty all possible thanks for the same. And because the publick and visible sins of the Kingdom, are the undoubted causes of those visible Evils that are fain upon us; Amongst which sins, (as is apparent by the word of God) Idolatry and Superstition are the most haynous and crying sins; To the end that we may constantly hope for the blessing of God to descend upon this our publick humiliation, by abandoning those sins which do make a wall of Separation betwixt God and us.

1. Article. WE most humbly and ardently beg at the hands of your most Sacred Majesty, That your Majesty will be pleased to give continual life and motion to all those Laws that stand in force against Jesuites, Seminary Priests, and all that have taken Orders by Authority of the See of Rome, by exacting a more due and serious execution of the same: Amongst which number, those that have highly abused your Majesties clemency, by returning into the Kingdom after their banishment, contrary to your Highness express Proclamation, we humbly desire may be left to the severity of your Laws, without admitting of any mediation or intercession for them. And that such of your Majesties unsound and ill affected Subjects, as do receive, harbor, or conceal any of their viperous Generation, may without delay suffer such Penalties and Punishments as the Laws most justly impose upon them.

His Majesties Answer unto the first Article of this Petition.

TO the first Point his Majesty answereth, That he will according to your desire give both life and motion to the Laws that stand in force against Jesuites, Seminary Priests, and all that have taken Orders by Authority of the Sea of *Rome*: and to that end his Majesty will give strict order to all his Ministers for the discovering and apprehending of them, and so leave them being apprehended to the trial of the Law. And in case, after trial, there shall be cause to respit execution of any of them; yet they shall be committed (according to the example of the best times) to the Castle of *Wisbitch*, and there be safely kept from exercising their Functions, or spreading their Superstitious and dangerous Doctrine; and the Receivers and Abettors they shall be left to the Law.

2. Article. That your Majesty would be pleased to command a surer and straiter watch to be kept in and over your Majesties Ports and Havens, and to commit the care and charge of searching of Ships for the discovery, and apprehension as well of Jesuites and Seminary Priests brought

wought in, as of Children and young Students, sent over beyond the Seas, to suck in the poyson of Rebellion and Superstition, unto men of approved fidelity and Religion: And such as shall be convicted to have connived or combined in the bringing in of the one, or conveying of the other, that the Laws may pass upon them with speedy execution. 4. Caroli.

His Majesties Answer to the second Article.

A

TO the second Article, His Majesty granteth all that is in this Article; and to this end will give Order to the Lord Treasurer, Lord Admiral, and Lord Warden of the Cinque Ports, that in their several places they be careful to see this Article fully executed, giving strict charge to all such as have place and authority under them, to use all diligence therein. And his Majesty requireth them, and all other his Officers and Ministers, to have a vigilant eye upon such as dwell in dangerous places of advantage B or opportunity, for receiving or transporting of any such as are here mentioned. And his Majesty will take it for good Service, if any will give knowledge of any such as have connived or combined, or shall connive or combine, as is mentioned in this Article, that Justice may be strictly done upon them.

That considering those dreadful dangers (never to be forgotten) which did involve your Majesties sacred Person, and the whole representative body of your Majesties Kingdom, plotted and framed by the free and common access of Popish Recusants to the City of London, and to your Majesties Court, Your Majesty would be graciously pleased to give speedy command for the present putting in C practise those Laws, that prohibit all Popish Recusants to come to the Court, or within ten Miles of the City of London, as also those Laws that confine them to the distance of five miles from their dwelling Houses; and that such by-past Licenses not warranted by Law, as have been granted unto them for their repair to the City of London, may be discharged and annulled. 3. Article. D

His Majesties Answer to the third Article.

TO the third, His Majesty will take Order to restrain the recourse of Recusants to the Court; and also for the other points in this Article his Majesty is well pleased that the Laws be duely executed, and that all unlawful Licenses be annulled and discharged.

E

That whereas it is more then probably conceived, that infinite sums of moneys have within these two or three years last past been extracted out of the Recusants within the Kingdom by colour of composition, and a small proportion of the same returned unto your Majesties coffers, not onely to the suddain enriching of private persons, but to the emboldning of Romish Recusants to entertain Malsing Priests into their private Houses, and to exercise all their Mimique Rites of their grosse superstition, without fear of control, amounting (as by their dayly practice and ostentation we may conceive) to the nature of a concealed Toleration, your Majesty would be graciously pleased to entertain this particular more neerly into your Princely wisedom and consideration, and to dissolve this Mystery of Iniquity patched up of colourable Leases, Contracts, and Preconveyances, being but Masks on the one part of fraud to deceive your Majesty and States, on the other part for private men to accomplish their corrupt ends. 4. Article. F

An. 1628.

His Majesties Answer to the fourth Article.

TO the fourth Article; his Majesty is most willing to punish for the time past, and prevent for the future, any of the deceits and abuses mentioned in this Article; and will account it a good service in any, that will inform Himself, his Privy Councel, Officers of his Revenues, Judges, or learned Councel, of any thing that may reveal this mystery of Iniquity. And his Majesty doth strictly command every of them, to whom such information shall be brought, that they suffer not the same to die, but do their uttermost endeavour to effect a clear discovery, and bring the Offenders to punishment. And to the intent no concealed toleration may be effected, his Majesty leaves the Laws to their course.

5. Article.

That as the Persons of Ambassadors from forain Princes, and their houses, be free for the exercises of their own Religion, so their houses may not be made free Chappels and Sanctuaries unto your Majesties Subjects, popishly affected, to hear Mass, and to participate in all other Rites and Ceremonies of that Superstition, to the great offence of Almighty God, and scandal of your Majesties People loyally and religiously affected: That either the concourse of Recusants to such places may be restrained, or at least such a vigilant watch set upon them, at their return from those places, as they may be apprehended, and severely proceeded withal, Ut qui palam in luce peccant in luce puniantur.

His Majesties Answer to the fifth Article.

TO the fifth; his Majesty is well pleased to prohibit and restrain their coming and resort to the Houses of Ambassadors, and will command a vigilant watch to be set for their taking and punishing, as is desired.

6. Article.

That no place of Authority and Command, within any the Counties of this your Majesties Kingdom, or any Ships of your Majesties, or which shall be imployed in your Majesties Service, be committed to Popish Recusants, or to Non-communicants, by the space of a year past, or to any such persons as according to direction of former Acts of State are justly to be suspected, as the place and Authority of Lords Lieutenants, Deputy Lieutenants, Justices of Peace, or Captains, or other Officers or Ministers mentioned in the Statute made in the third year of the reign of your Father of blessed memory: And that such as by Connivence have crept into such places, may by your Majesties Royal Command be discharged of the same.

His Majesties Answer to the sixth Article.

TO the sixth, his Majesty is perswaded that this Article is already observed with good care; nevertheless, for the avoiding (as much as may be) all errors and escapes in that kinde, his Majesty will give charge to the Lord Keeper, that at the next Term he call unto him all the Judges, and take Information from them of the state of their several Circuits, if any such (as are mentioned in this Article) be in the Commission of the peace, that due reformation may be made thereof; And will likewise give order to the Lord Admiral, and such others to whom it shall appertain, to make diligent enquiry and certificate to his Majesty, if any such be in place of Authority and Command in his Ships or Service.

That

4 Caroli.

7. Article.

That all your Majesties Judges, Justices, and ministers of Justice, unto whose care and trust, execution (which is the life of your Majesties Laws) is committed, may by your Majesties Proclamation, not onely be commanded to put in speedy execution those Laws which stand in force against Jesuits, Seminary Priests, and Popish Recusants, but that your Majesty would be further pleased to command the said Judges and Justices of Assize, to give a true and strict account of their proceedings, at their returns out of their Circuits, unto the Lord Keeper, and by the Lord Keeper to be presented unto your Majesty.

A

His Majesties Answer unto the seventh Article.

To the seventh his Majesty doth fully grant it.

8. Article.

B And for a fair and clear eradication of all Popery for the future, and for the breeding and nursing up of a holy generation, and a peculiar People sanctified unto the true worship of Almighty God, that until a provisional Law may be made for the training and educating of the Children of Popish Recusants in the grounds and principles of our holy Religion, which we conceive will be of more power and force to unite your people unto you in fastness of love, Religion and loyal obedience, then all pecuniary Mulcts and Penalties that can possibly be devised: Your Majesty would be pleased to take it into your own princely care and consideration, these our humble Petitions proceeding from hearts and affections loyally and religiously devoted to God and your Majesties Service, and to the safety of your Majesties sacred Person, we most zealously present to your Princely wisedom, craving your Majesties chearful and gratious approbation.

C

His Majesties Answer to the eighth Article.

D To the eighth, his Majesty doth well approve it, as a matter of necessary consideration, and the Parliament now sitting, he recommendeth to both Houses the preparation of a fitting Law to that effect. And his Majesty doth further declare, that the mildeness that hath been used towards those of the Popish Religion, hath been upon hope that forain Princes thereby might be induced to use moderation towards their Subjects of the Reformed Religion; but not finding that good effect which was expected, His Majesty resolveth, unless he shall very speedily see better fruits, to add a further degree of severity, to that which in this petition is desired.

E

Debates touching his Majesties propositions.

ON *Wednesday* the second of *April*, the Propositions sent from the King, were mentioned, and several Gentlemen expressed themselves severally on that subject.

Sir Francis Seimor.

F "IT is said, that the greatest grievance is want of supply; but I hold it a "greater grievance that his Majesty is brought into those necessities, espe- "cially considering the supplies that of late have been given to the King; "two Subsidies of Parliament, besides privy Seals, the late Loan, whereby "five Subsidies were forcibly and unadvisedly taken, and we have yet pur- "chased to our selves nothing by all these but our own dishonor, we have "drawn and provoked two powerful enemies upon us, it is not then what "the Subjects do give, unless his Majesty imploy men of integrity and "experience, otherwise all that we give will be as cast into a bottomless bag.

An. 1628.

Sir Nath. Rich.

"Some propositions we shall not meddle with, as a soveraign Army to "be transported, we are not fit for that yet, but we will not reject it, for "great Princes, who give out Rumors of raising great Armies, do put their "Enemies to great fears; then the defence of our Coasts, nothing is more "necessary; but the bill of Poundage is for that particular supply, and how "far it may prejudice us for a future Precedent, to give other supply, let us be "advised.

Secr. Cook.

Mr. Secretary *Cook*, observing a distinction made upon the propositions, as if some of them were to be omitted, "I know (said he) you will do it "upon deliberation; some there are not possible to be omitted, as the Guard- "ing of the Seas, defence of the *Elbe Rotchel*, and those draw on all the rest: "Ships must have Men and Munition, and we cannot divide any of these. "This House is tender of the Countrey, the King will not lay a burthen "that cannot be born. We may supply his Majesty without this, give we "now what we please, the King may make use of it before the People are "able to pay, and we shall not only make his Majesty subsist, but advance "his reputation in the world, by the unity of his People, more then by any "treasure.

Sir John Elliot.

"Indeed there may be some necessity for a war offensive, but looking on "one late dysaster, I tremble to think of sending more abroad.

"Let us consider those two great undertakings at *Cales* and *Ree*; at *Cales* "that was so gloriously pretended, where our men arrived and found a "Conquest ready, namely, the *Spanish* Ships, a satisfaction sufficient and "fit for us, and this confessed by some then imployed, and never but granted "by all, that it was feasible and easie, why came this to nothing? After "that opportunity lost, when the whole Army was landed, with destruction "of some of our men, why was nothing done? if nothing was intended, "why were they landed, and why were they shipt again? For *Rees* voyage, "was not the whole action carried against the judgement of the best Com- "manders? was not the Army landed? Not to mention the leaving of "the Wines, nor touch the wonder that *Cæsar* never knew, the enriching "of the Enemy by curtesies: Consider what a case we now are in, if on the "like occasion, or with the like instruments, we shall again adventure "another expedition. It was ever the wisedom of our Ancestors here, to "leave Forain Wars wholly to the State, and not to meddle with "them.

Sir Ed. Cook.

"Sir *Edw. Cook*. When poor *England* stood alone, and had not the access "of another Kingdom, and yet had more and as potent Enemies as now "it hath, yet the King of *England* prevailed.

"In the Parliament Roll, in the 42. year of *Edw.* 3. the King and the "Parliament gave God thanks for his victory against the Kings of *Scotland* "and of *France*, he had them both in *Windsor* Castle as Prisoners. What "was the reason of that Conquest? four reasons were given. 1. The King "was assisted by good Counsel. 2. There were valiant men. 3. They were "timely supplied. 4. Good Imployment.

"13. *R.* 2. The King was invironed with the *Flemins*, *Scots* and *French*, and "the King of *England* prevailed.

"3. *R.* 2. The King was invironed with *Spaniards*, *Scots* and *French*, and "the King of *England* prevailed.

"17. *R.*

4 Caroli.

"17 R. 2. Wars were in *Ireland* and *Scotland*, and yet the King of *Eng-*
"*land* prevailed; and thanks were given to God here; And I hope I shall
"live to give God thanks for our Kings victories.

"7 H. 4. One or two great men about the King so mewed him up, that he
"took no other advice but from them, whereupon the Chancellor took
"this Text and Theam in his Speech at the Parliament, *Multorum consilia*
"*requiruntur in magnis, in bello qui maxime timent sunt in maximis periculis.*
A "Let us give and not be afraid of our enemies, let us supply bountifully,
"cheerfully, and speedily, but enter not into particulars: *Solomons* Rule is,
"*Qui repetit separat*, nay, *separat fœderatos*: We are united in duty, *&c.* to the
"King, the King hath fourscore thousand pounds a year for the Navy, and
"to scowre the Narrow-seas, it hath been taken, and we are now to give it,
"and shall we now give more to guard the Seas? besides, when that is taken
"of our gift, it may be diverted another way.

"It shall never be said we deny all supply, I think my self bound, where
B "there is *commune periculum*, there must be *commune auxilium*.

Sir Thomas Wentworth

"I Cannot forget that duty I owe to my Countrey, and unless we be se-
"cured against our Liberties, we cannot give; I speak not this to make di-
"versions, but to the end that giving I may give cheerfully. As for the
"Propositions to be considered of, I incline to decline them, and to look
"upon the State of our Countrey, whether it be fit to give, or no: Are
"we come to an end for our Countries Liberties? have we trenched on the
C "rates of the Deputy Lieutenants? are we secured for time future?

Sir Henry Martin.

"WE all desire remedies for our Grievances, and without them we
"shall neither be willing nor able to give; for my part, I heartily
"desire remedy, but which is the best and wisest way, that is the question:
"As we have made some progress in our Grievances, so let us now go on
"to supply; There is a Proverb, *Non bis ad idem*; dash not the Common-
"wealth twice against one Rock. We have Grievances, we must be eased of
D "them; who shall ease us? No Nation hath a people more loving to the
"King, then we; but let the King think it and believe it, there is a di-
"stance betwixt him and us, before we can have his heart, we must remove
"it: Our disease is not so great but that it may be cured, it is the Kings
"Evil which must be cured with Gold; let us imitate *Jacob*, who wrestled
"with the Angel, and would not let him go; I would we could wrestle with
"the King in duty and love; and not to let him go in this Parliament, till he
"comply with us: We must take heed of too much repetition and over-
E "beating of Grievances, it is dangerous, and it may make a further sepa-
"ration: He that talks too much of his Grievance, makes the party that is
"the cause of it make an apology, and to justifie it, and that is dangerous:
"let us do as Poets in a Tragedy, that sometimes have Comical Passages,
"and so a generous mind will sink presently. Sure a due presentation of such
"Grievances to such a King with moderation, will take place with him: In
"all deliberations go the safest way; The old way I have heard is first to re-
F "move Grievances; we must not ty and bind our selves by all that was done
"before: I have gone over the Thames in former times on foot, when it
"was all an Ice, but that is no argument to perswade me by to do the like
"now, because I did so once.

The House waves, &c.

THe House waving the Debate of the Propositions proceeded with Grie-
vances by Confinement, and Designation for forain imployment; in
which points several Gentlemen delivered their opinion.

"Con-

An. 1628.

Mr. Selden.

"CONfinement is different from Impriſonment, and it is againſt the Law "that any ſhould be confined either to his Houſe, or elſwhere: I know "not what you can call a Puniſhment, but there is ſome ground of it, or "mention thereof in Acts of Parliament, Law-books, or Records, but "for this of Confinement, I finde none: indeed Jews have been confined "in former times to certain places, as here in *London* to the old *Jury*: The "Civilians have perpetual Priſons and coercive Priſons, upon Judgements in "Court, *Carcer domeſticus* is a confinement for madmen.

Sir T. Hobby.

"I Was imployed in 88. in that ſervice, it was then thought fit that Recu- "ſants ſhould be confined in ſtrong places, but it was not held legal, and "when the Navy was diſpierſed they were ſet at liberty, and the Parlia- "ment petitioned the Queen for a Law to warrant the Confinement: Here- "upon it was reſolved, That no freeman ought to be confined by any com- "mand of the King or Privy Councel, or any other, unleſs it be by Act of "Parliament, or by other due courſe or warrant of Law. And then the Houſe proceeded to the Debate, concerning Deſignation to forain Im- ployment.

Sir Peter Hayman about forein imployment.

TOuching Deſignation to forain Imployment, Sir *Peter Hayman* opened his own Caſe: "I have forgot my imployment unto the Palatinate, I "was called before the Lords of the Councel, for what I know not, I heard "it was for not lending on a Privy Seal, I told them if they will take my "Eſtate, let them, I will give it up, give I will not: When I was before the "Lords of the Councel, they laid to my Charge my unwillingneſs to ſerve "the King; I ſaid, I had my Life and my Eſtate to ſerve my Countrey, and "my Religion: They put upon me, if I did not pay, I ſhould be put upon "an imployment of Service; I was willing; after ten weeks waiting they "told me I was to go with a Lord into the Palatinate, and that I ſhould have "imployment there, and means befitting; I told them I was a Subject, and "deſired means; ſome put on very eagerly, ſome dealt nobly; they ſaid I "muſt go on my own purſe, I told them *Nemo militat ſuis expenſis*; ſome "told me I muſt go, I began to think, What, muſt I? none were ever ſent "out in that kinde, Lawyers told me I could not be ſo ſent: having that "aſſurance I demanded means, and was reſolved not to ſtir upon thoſe "tearms, and in ſilence and duty I denied: upon this they having given me "a Command to go, after ſome twelve days they told me they would not "ſend me as a Soldier, but to attend on an Ambaſſador; I knew that ſtone "would hit me, I ſetled my troubled eſtate, and addreſſed my ſelf to that "Service.

Mr. Hackwel

"THis is a great Point that much concerns the Commonwealth, if the "the King cannot command a Subject to his neceſſary ſervice; and on "the other ſide, it will be little leſs then an honorable baniſhment to the "Subject, if he may. Our Books ſay the King cannot compel any to go out "of the Realm, and an action brought againſt him, he cannot plead in Bar, "that he is by command from the King in forein ſervice, but the King "may give him his protection. 5 *E.* 3. *N.* 9. in the Parliament Roll there "was an Ordinance whereby the King had power to ſend ſome to *Ireland*, it "is ordained, that ſuch Sages of the Law and Soldiers, where need ſhall be, "though they refuſe to go and excuſe themſelves, if their excuſes be not "reaſonable, the King may do to them according to right and reaſon: If

"the

"the King by Law could do this of himself, and send them to *Ireland*, his "own Dominion, he would never have taken power from his Parliament; "and if men do not according to that Law, there is no imprisonment pre- "scribed. 4. Caroli.

"NO restraint, be it never so little, but is Imprisonment, and forain im- "ployment is a kind of honorable Banishment: I my self was designed "to go to *Ireland*, I was willing to go, and hoped if I had gone, to have "found some *Mompessons* there: There is a difference when the Party is the "Kings servant, and when not. 46 *E.* 3. this was the time when the Law was "in its height: Sir *Richard Pembridge* was a Baron, and the Kings Servant, "and Warden of the Cinque-ports, he was commanded to go to *Ireland*, "and to serve as Deputy there, which he refused: He was not committed, "but the King was highly offended, and having Offices, and Fees and Lands "*pro servitio suo impenso*, the King seized his Lands and Offices: I went to "the Parliament Roll, 47. *E.* 3. where I found another precedent for forain "imployment, they that have Offices *pro consilio*, or *servitio impenso*, if "they refuse, those Lands and Offices so given are seized, but no com- "mitment. Sir E. Cook.

"IF any man owes a man a displeasure, and shall procure him to be put into "forain imployment, it will be a matter of high concernment to the "Subject: We know the Honor and Justice of the King, but we know "not what his ministers or the mediation of Ambassadors may do to work "their own wrath upon any man. Sir Thomas Wentworth

"IF you grant this Liberty, what are you the better by other priviledges? "what difference is there between imprisonment at home, and constrain- "ed imployment abroad? it is no less then a temporal Banishment, neither "is it for his Majesties service to constrain his Subjects to imployment a- "broad: Honor and Reward invites them rather to seek it, but to be com- "pelled, stands not with our Liberty. Sir John Elliot.

These Debates, as to Confinement, produced this resolution, That no Freeman ought to be confined by any command from the King, or Privy Councel, or any other, unless it be by Act of Parliament, or by other due course or warrant of Law.

As for the matter of supply, the Debate was put off till *Friday* following.

Thursday 3. of April,

Mr. Secretary Cook *brought the House this Message from the King.*

"HIs Majesty having understood that some rumors were spread abroad of "a sharp Message yesterday delivered by me, and of some malicious "words, that the Duke should speak yesterday at the Councel-board, he "commanded me to tell you of the malice of those false reports, for that "nothing fell from the Duke or that Board, but what was for the good of "this Assembly: He would have you observe the malice of those spirits "that thus put in these Jealousies: Had the Duke so spoken, he should "have contradicted himself, for all of us of the Councel can tell, he was "the The King sends a Message to the House by Se. Cook, touching some words said to be spoken by the Duke.

An. 1628.

"the first mover and perswader of this Assembly of Parliament to the King. "Esteem of the King according to his actions, and not these tales; His Ma- "jesty takes notice of our purpose, that on *Friday* we will resolve upon "Supply, which his Majesty graciously accepts of, and that our free gift "without any condition should testifie to the world, that we will be as far "from incroaching upon his Prerogative, as he will be to incroach upon "our Liberties: and this shall well appear, when we present our Grievances "to him, and then we shall know that he hath no intention to violate our "Liberties, onely let us not present them with any asperity of words; he "counts it his greatest Glory to be a King of Freemen, not of Villains: "He thought to have delivered this Message himself, but that he feared it "would take us too much time. A

Then he added a word of his own, "Yesterday after dinner we attended "his Majesty, and he asked us what we had done; We said we had entred "into the consideration of Supply, and that the final resolution was deferred "till *Friday*; and that this was done for just reasons, to joyn the business B "of his Majesties and our Countries together, and this would further his "Majesty, and it would give content to the Countrey, and that this union "here might be spread abroad in the World. His Majesty answered, For "Gods sake, why should any hinder them in their Liberties? if they did it "not, I should think they dealt not faithfully with me. You may see a true "Character of his Majesties disposition: let us proceed with courage, and "rest assured his Majesty will give great ear unto us, and let us all joyn to "make a perfect union to win the Kings heart; we shall find a gracious C "answer from the King, and a hearty cooperation from those that you "think to be averse to us.

Debates on the Message.

UPon the delivery of this Message some stood up, and professed they never heard of any such sharp Message or words the day before, or that any was so bold as to interpose himself: They acknowledged his Majesty had put a threefold Obligation on them; First, in giving them satisfaction; Secondly, in giving them assurance (which is a great Law) that D he will protect and relieve them; Thirdly, in giving them advice as may befit the Gravity of that Assembly and his own Honor: So they concluded to carry themselves as their Progenitors before had done, who never were marked for stepping too far on the Kings Prerogative, and they returned their humble thanks to his Majesty.

Friday 4 April Secretary brings another Message from the King.

THe day following Mr. Secretary *Cook* delivered another Message from the King, *viz.* "His Majesty hath again commanded me to put you E "in mind, how the eyes and interest of the Christian world, are cast upon "the good or evil success of this Assembly: He also graciously taketh no- "tice of that which is in agitation amongst us, touching the freedom of our "Persons, and propriety of our Goods; and that this particular care "(which he no way misliketh) may not retard our resolution for the general "good, he willeth us chearfully to proceed in both, and to express our "readiness to supply his great occasions, upon assurance that we shall enjoy "our Rights and Liberties, with as much freedom and security in his time, F "as in any age heretofore under the best of our Kings; and whether you "shall think fit to secure our selves herein, by way of Bill or otherwise, "so it be provided for with due respect of his Honor and the publique "good, whereof he doubteth not but that you will be careful, he promi- "seth and assureth you that he will give way unto it; and the more confi-

"dence

4 *Caroli.*

"dence you ſhall ſhew in his grace and goodneſs, the more you ſhall prevail "to obtain your own deſires.

Upon this occaſion Mr. Pym *ſpake,*

Mr. Pym.

"THat in buſineſs of weight diſpatch is better then diſcourſe; We came "not hither without all motives that can be towards his Majeſty, had A "he never ſent in this meſſage; We know the danger of our Enemies, we "muſt give Expedition to Expedition; let us forbear particulars. A man "in a journey is hindred by asking too many queſtions: I do believe our "peril is as great as may be, every man complains of it, that doth incourage "the Enemy; our way is to take that that took away our eſtates, that is, "the Enemy; to give ſpeedily is that that the King calls for: A word "ſpoken in ſeaſon is like an Apple of Silver; and actions are more pre- "cious then words, let us haſten our Reſolutions to ſupply his Majeſty. B

And after ſome debate, they came to this unanimous Reſolve,

5. Subſidies reſolved on.

That five Subſidies be given his Majeſty; and Mr. Secretary *Cook* was appointed to acquaint his Majeſty with the Reſolution of the Houſe.

Monday *the* 7. *of* April,

Mr. Secretary Cook reports the Kings acceptance of five Subſidies

C "Mr. Secretary *Cook* reported to the Houſe the Kings acceptance of "the Subſidies, and how his Majeſty was pleaſed to ask, by how many "voyces they were gained? I ſaid, but by one; His Majeſty asked, how "many were againſt him? I ſaid, none; for they were voted by one voyce, "and one general conſent. His Majeſty was much affected therewith, and "called the Lords in Councel, and there I gave them account what had "paſſed; beſides, it gave his Majeſty no ſmall content, that although five "Subſidies be inferior to his wants, yet it is the greateſt gift that ever was "given in Parliament; and now he ſees with this he ſhall have the affe- "ctions of his People, which will be greater to him then all value. He ſaid D "he liked Parliaments at the firſt, but ſince (he knew not how) he was grown "to a diſtaſte of them; but was now where he was before, he loves them, "and ſhall rejoyce to meet with his People often.

Upon the giving of the five Subſidies the Duke of Bucks *made a Speech at the Councel Table, and Mr. Secretary at that time acquainted the Houſe therewith. The Speech was this,*

E

The Duke of Buckinghams Speech at the Councel Table thereupon.

"SIr, me thinks I behold you a great King, for love is greater then Majeſty; "opinion that the people loved you not, had almoſt loſt you in the opini- "on of the world; But this day makes you appear as you are, a glorious King, "loved at home, and now to be feared abroad; this falling out ſo happily, F "give me leave, I beſeech you, to be an humble ſuitor to your Majeſty; 1. For "my ſelf, That I, who have had the honour to be your Favorite, may now "give up that title unto them, they to be your Favorites, and I to be your "Servant. My ſecond ſuit is, That they having done alſo well, you will ac- "count of them as one; a body of many members, but of all one heart: "opinion might have made them differ, but affection did move them all

An. 1628.

"to joyn with like love in this great gift; for proportion, although it be "leſs then your occaſions may ask, yet it is more then ever Subjects did "give in ſo ſhort a time; nor am I perſwaded it will reſt there, for this is "but as an earneſt of their affections, to let you ſee, and the world know "what Subjects you have, that when the honor and the good of the State is "ingaged, and Aid asked in the ordinary way of Parliament, you cannot "want: This is not the gift of five Subſidies alone, but the opening of a "Mine of Subſidies that lieth in their hearts. This good beginning hath A "wrought already theſe effects, they have taken your heart, drawn from "you a Declaration that you will love Parliaments. And again, this will "meet (I make no queſtion) with ſuch reſpect, that their demands will be "juſt, dutiful, and moderate; for they that know thus to give, know well "what is fit to ask. Then cannot your Majeſty do leſs then out-go their "demands, or elſe you do leſs then your ſelf or them; for your Meſſage "begot truſt, their truth and your promiſes muſt then beget performances. "This being done, then ſhall I with a glad heart behold this work as well B "ended as now begun, and then ſhall I hope that Parliaments ſhall be made "hereafter ſo frequent by the effects and good uſe of them, as they ſhall "have this further benefit, to deter from approaching your ears thoſe pro- "jecters and inducers of innovation, as diſturbers both of Church and Com- "monwealth. Now, Sir, to open my heart, and to eaſe my grief, pleaſe "you to pardon me a word more; I muſt confeſs I have long lived in pain; "Sleep hath given me no reſt, Favors and Fortunes no content, ſuch have "been my ſecret ſorrows, to be thought the man of ſeparation, and that C "divided the King from his People, and them from him, but I hope it "ſhall appear they were ſome miſtaken minds, that would have made me "the evil ſpirit that walketh between a good Maſter and loyal People by "ill offices; whereas, by your Majeſties favor, I ſhall ever endeavour to "approve my ſelf a good ſpirit, breathing nothing but the beſt of ſervices "to them all. Therefore this day I account more bleſſed to me then my "birth, to ſee my ſelf able to ſerve them, to ſee you brought in love with "Parliaments, to ſee a Parliament expreſs ſuch love to you; and God ſo D "love me and mine, as I joy to ſee this day.

Mr. Secretary *Cook* alſo at this time repeated the ſubſtance of the Kings Anſwer to the Petition concerning Recuſants. And after he had done, Sir *John Elliot* expreſſed the great ſatisfaction which he apprehended, the Houſe in general, and himſelf in ſpecial, had received touching each particular of his Majeſties gracious Anſwer; but ſhewed his diſlike that Mr. Secretary in the cloſe of his Relation, made mention of another in addition E to his Majeſty, which formerly hath been a matter of complaint in the Houſe, the mixture with his Majeſty, not onely in the buſineſs, but in his name. "Is it (ſaid he) that any man conceives the mention of others (of "what quality ſoever) can add incouragement or affection to us in our "duties and loyalties towards his Majeſty, or give them greater latitude or "extent, then naturally they have? or is it ſuppoſed that the power or "intereſt of any man can add more readineſs to his Majeſty in his gracious "inclination to us, then his own goodneſs gives him? I cannot believe it. F "And as the ſweetneſs and piety of his Majeſty, which we have in admi- "ration, makes me confident in this, ſo the expreſſions of our duty ſo per- "ſpicuous and clear, as already hath been given, is my aſſurance for the "other.

It is ill taken by Sir John Elliot that the Dukes name was intermingled with the Kings by Secretary Cook.

But Sir, I am ſorry there is this occaſion, that theſe things ſhould be

"argued,

4. *Caroli.*

"argued, or this mixture which was formerly condemned ſhould appear
"again: I beſeech you Sir, let it not be hereafter; let no man take this
"boldneſs within theſe Walls to introduce it, though I confeſs for my par-
"ticular I ſhall readily commend, nay thank that man, whoſe endeavors
"are applied in ſuch Offices, as may be advantageable for the publique:
"Yet in this matter ſo contrary to the Cuſtoms of our Fathers, and the
"honor of our Times, I cannot without Scandal apprehend it, nor without
A "ſome Character or Exception paſs it by, that ſuch interpoſition may for
"the future be left.

"Now let us proceed, ſaid he, to thoſe ſervices that concern his Majeſty
"and the Subject, which (I doubt not) in the end will render us ſo real unto
"him, that we ſhall not need more help to endear us to his favor.

The Commons having expreſſed their dutiful affections towards his Ma-
jeſty, in giving him ſo large a Gift as five Subſidies, and having alſo ſhew-
B ed their care of the Subjects in the liberty of their Perſon, and propriety in
their Goods, did now prepare to tranſmit their Reſolves to the Lords for their
concurrence, and ſeveral Members were appointed to manage a Conference
with the Lords concerning the ſame. We ſhall briefly touch ſome Paſſages
of that Conference, as to the rational and hiſtorical Part thereof, omitting
to mention Precedents and Book-Caſes, leſt they ſhould prove tedious to
the Reader.

C SIr *Dudly Diggs* began with this Introduction: "I am commanded to ſhew
"unto your Lordſhips in general, that the Laws of *England* are ground-
"ed on Reaſon, more ancient then Books, conſiſting much in unwritten
"Cuſtoms, yet ſo full of Juſtice and true Equity, that your moſt honor-
"able Predeceſſors and Anceſtors propugned them with a *Nolumus mutari*;
"and ſo ancient, that from the Saxon days, notwithſtanding the injuries and
"ruines of time, they have continued in moſt part the ſame, as may ap-
"pear in old remaining Monuments of the Laws of *Ethelbert*, the firſt
D "Chriſtian King of *Kent*, *Ina* the King of the Weſt Saxons, *Offa* of the
"Mercians, and of *Alfred* the great Monarch, who united the Saxon
"Heptarchie, whoſe Laws are yet to be ſeen publiſhed, as ſome think, by
"Parliament, as he ſays to that end, *ut qui ſub uno rege, ſub una lege regeren-*
"*tur*: And though the Book of *Litchfield*, ſpeaking of the times of the
"Danes, ſays, then *Jus ſopitum erat in regno, leges & conſuetudines ſopita*
"*ſunt*, and *prava voluntas, vis & violentia magis regnabant quam Judicia*
"*vel Juſtitia*, yet by the bleſſing of God a good King *Edward*, commonly
E "called St. *Edward*, did awaken thoſe Laws; and as the old words are,
"*Excitatas reparavit, reparatas decoravit, decoratas confirmavit*, which
"*Confirmavit* ſhews, that good King *Edward* did not give thoſe Laws
"which *William* the Conqueror and all his Succeſſors ſince that time have
"ſworn unto.

Sir Dudly Diggs begins the Conference by way of Introduction.

"And here my Lords, by many Caſes frequent in our modern Laws
"ſtrongly concurring with thoſe of the ancient Saxon Kings, I might, if time
"were not more precious, demonſtrate that our Laws and Cuſtoms were the
F "ſame.

"I will onely intreat your Lordſhips leave to tell you, That as we have
"now, even in thoſe Saxon times they had their Court Barons, and Court
"Leets, and Sheriffs Courts, by which as *Tacitus* ſays of the Germanes,
"their Anceſtors *Jura reddebant per pagos & vicos*, and I do believe as we
"have now, they had their Parliaments, where new Laws were made

An. 1628.

"cum consensu Prælatorum, Magnatum & totius Communitatis, or as another "writes, cum consilio Prælatorum, Nobilium & sapientium Legum, I will add "nothing out of *Glanvile*, that wrote in the time of *Hen.* 2. or *Bracton*, that "writ in the days of *Hen.* 3. onely give me leave to cite that of *Fortescue* the "learned Chancellor to *Hen.* 6. who writing of this Kingdom, says, *Regnum "istud moribus nationum & regum temporibus, eisdem quibus nunc regitur le- "gibus & consuetudinibus regebatur.* But my good Lords, as the Poet said "of Fame, I may say of our Common Law, A

Ingrediturque solo, caput inter nubila condit.

"Wherefore the cloudy part being mine, I will make haste to open way "for your Lordships, to hear more certain Arguments, and such as go on "more sure grounds.

"Be pleased then to know, that it is an undoubted and fundamental "Point of this so ancient Common Law of *England*, That the Subject hath B "a true property in his goods and possessions, which doth preserve as sacred, "that *meum & tuum*, that is the nurse of Industry, and mother of Courage, and "without which there can be no Justice, of which *meum & tuum* is the pro- "per object. But the undoubted Birthright of true Subjects hath lately "not a little been invaded and prejudiced by pressures, the more grievous, "because they have been pursued by imprisonment, contrary to the Fran- "chises of this Land, and when according to the Laws and Statutes of this "Realm, redress hath been sought for in a legal way, by demanding *Ha-* C "*beas Corpus* from the Judges, and a discharge by trial according to the "Law of the Land, success hath failed: that now inforceth the Commons "in this present Parliament assembled, to examine by Acts of Parliament, "Precedents and Reasons, the truth of the English Subjects liberty, which "I shall leave to learned Gentlemen to argue.

Mr. Littleton.

NExt after Sir *Dudly Diggs*, spake Mr. *Ed. Littleton* of the *Inner-Temple*, D "That their Lordships have heard that the Commons have taken "into consideration the matter of personal Liberty, and after long debate "thereof, they have upon a full search, and clear understanding of all "things pertinent to the question, unanimously declared, That no Free- "man ought to be committed or restrained in Prison by the command of "the King or Privy Council, or any other, unless some cause of the com- "mitment, detainer, or restraint be expressed, for which by Law he ought "to be committed, detained, or restrained: And they have sent me with "other of their Members, to represent unto your Lordships the true E "grounds of their resolution, and have charged me particularly, leaving the "reasons of Law and Precedents for others, to give your Lordships satisfa- "ction, that this Liberty is established and confirmed by the whole State, "the King, the Lords Spiritual and Temporal, and Commons, by several "Acts of Parliament, the Authority whereof is so great, that it can re- "ceive no Answer, save by Interpretation or Repeal by future Statutes. "And these I shall minde your Lordships of, are so direct in the point, that "they can bear no other exposition at all, and sure I am they are still in F "force; The first of them is the grand Charter of the Liberties of *England*, "first granted in the 17th. year of King *John*, and renewed in the 9th. year "of *Hen.* 3. and since confirmed in Parliament above 30. times, the words "there are Chap. 29. *Nullus liber homo capiatur, vel imprisonetur, aut disse- "sietur de libero tenimento suo vel liberis consuetudinibus suis, aut utlagetur, aut*

4 Caroli.

"exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec eum mitte-
"mus, nisi per legale judicium Parium suorum, vel per legem terræ.

He then proceeded to open, and argued learnedly upon the several Particulars in the last recited Clause of *Magna Charta*, and further shewed, "That no invasion was made upon this personal Liberty, till the time of "King *Ed.* 3. which was soon resented by the Subject, for in the 5. *Ed.* 3. "Chap. 9. it is enacted, That no man from henceforth shall be attached on A "any occasion, nor fore-judged of Life or Limb, nor his Lands, Tene-"ments, Goods, nor Chattels seised into the Kings hands, against the "Form of the great Charter, and the Law of the Land: and 25 *Edw.* 3. "Chap. 4. it is more full, and doth expound the words of the grand Char-"ter, which is thus, Whereas it is contained in the grand Charter of the "Franchises of *England*, that none shall be Imprisoned nor put out of his "Freehold, nor free Custom, unless it be by the Law of the Land, it is award-"ed, assented and established, That from henceforth none shall be taken B "by Petition or suggestion made to our Lord the King, or to his Councel, "unless it be by Indictment or Presentment of his good and lawful People "of the the same neighborhood, which such Deed shall be done in due "manner, or by process made by Writ original at the common Law; nor "that none be outed of his Franchises, nor Office, Freehold, unless it be "duly brought in Answer, and fore-judged of the same, by the course of "the Law, and that if any thing be done against the same, it shall be re-"dressed and holden for none: and 28 *Ed.* 3. Chap. 3. it is more direct, C "this Liberty being followed with fresh suit by the Subject, where the "words are not many, but very full and significant, That no man of what "state and condition he be, shall be put out of his Lands nor Tenements, "nor taken, nor imprisoned, nor disinherited, nor put to death, without "it be brought in Answer by due process of the Law. Several other Sta-tutes were cited by him, in confirmation of this point of the Liberty of the Subject.

The Kings Councel afterward made Objections to the said Argument, D "yet acknowledged that the seven Statutes urged by the House of Com-"mons, are in force; yet said that some of them are in general words, and "therefore conclude nothing, but are to be expounded by Precedents, and "some of them are applied to the suggestion of Subjects, and not to the "Kings command simply of its self; and that *per legem terræ* in Magna Char-"ta, cannot be understood for process of Law and original Writs; for that "in Criminal proceedings no original Writ is usual at all, but every Con-"stable either for Felony or breach of the Peace, or to prevent the breach E "of the Peace, may commit without Process or original Writ; it were very "hard the King should not have the power of a Constable. They also ar-"gued, That the King was not bound to express the cause of Imprisonment, "because there may be in it matter of State, not fit to be revealed for a time, "lest the confederates thereupon make means to escape the hands of Ju-"stice. Besides, that which the Commons do say, that the party ought to "be delivered or bailed, is a contradiction in its self; for bayling doth signi-"fie a kinde of Imprisonment still, Delivery, is a total freeing: And be-F "sides, bayling is a grace or favor of a Court of Justice, and they may re-"fuse to do it.

To this it was replyed, "That the Statutes were direct in Point, and "though some of them speak of suggestions of the Subjects, yet they are "in equal reason a commitment by command of the King, as when the "King taketh notice of a thing himself: And for the words *per legem terræ*,

"original

An. 1628.

"original Writs onely are not intended, but all other legal proceſs, which "comprehendeth the whole proceedings of the Law upon Cauſe other then "trial by Jury, and the courſe of the Law is rendred by due proceſs of the "Law, and no man ought to be impriſoned by ſpecial command without in- "dictment, or other due proceſs to be made by the Law. And whereas it "is ſaid there might be danger in revealing the Cauſe, that may be avoided "by declaring a general Cauſe, as for Treaſon, ſuſpicion of Treaſon, miſ- "priſion of Treaſon, Felony, without expreſſing the particulars which can A
"give no greater light to a confederate, then will be conceived upon the "very apprehenſion upon the impriſonment, if nothing at all were ex- "preſſed.

"And as for the bayling of the party committed, it hath ever been the "diſcretion of the Judges, to give ſo much reſpect to a commitment, by "the command of the King or the privy Councel, which are ever intend- "ed to be done in juſt and weighty Caſes, that they will not preſently ſet "them free, but bail them to anſwer what ſhall be objected againſt them B
"on the Kings behalf; but if any other inferior Officer do commit a man "without ſhewing cauſe, they do inſtantly deliver him, as having no cauſe "to expect their leaſure; ſo that Delivery is applyed to the impriſoned, by "command of ſome mean miniſter of Juſtice: Bailing, when it is done by "command of the King or his Councel; and though Bailing is a grace and "favor of the Court, in caſe of Felony and other crimes, for that there is an- "other way to diſcharge them in convenient time by their trial, but where "no cauſe of impriſonment is returned, but the command of the King, there C
"is no way to deliver ſuch perſons by trial or otherwiſe, but that of the "*Habeas Corpus*, and if they ſhould be then remanded, they might be per- "petually impriſoned without any remedy at all, and conſequently a man "that had committed no offence might be in a worſe caſe then a greater of- "fender, for the latter ſhould have an ordinary trial to diſcharge him, the "other ſhould never be delivered.

Mr. Selden.

MAſter *Selden* of the *Inner-Temple* argued next, firſt making this In- D
troduction. "Your Lordſhips have heard from the Gentleman that "laſt ſpake, a great part of the grounds upon which the Houſe of Commons "upon mature deliberation proceeded, to that clear reſolution touching the "right of the liberty of their perſons: The many Acts of Parliament, which "are the written Laws of the Land, and are expreſly in the Point, have "bin read and opened, and ſuch Objections as have been by ſome made unto "them, and Objections alſo made out of another Act of Parliament, have E
"been cleared and anſwered: It may ſeem now perhaps (my Lords) that lit- "tle remains needful to be further added, for the enforcement and main- "tenance of ſo fundamental and eſtabliſhed a Right and Liberty, belonging "to every freeman of the Kingdom.

"The Houſe of Commons taking into conſideration, that in this queſti- "on being of ſo high a nature, that never any exceeded it in any Court of "Juſtice whatſoever, all the ſeveral ways of juſt examination of the Truth "ſhould be uſed, have alſo moſt carefully informed themſelves of all for- F
"mer Judgements or Precedents concerning this great Point, either way, "and have been no leſs careful of the due preſervation of his Majeſties juſt "Prerogative, then of their own Rights. The Precedents here are of two "kinds, either meerly matter of Record, or elſe the former reſolutions of "the Judges, after ſolemn debate in the Point.

"This Point that concerns Precedents, the Houſe of Commons have "commanded

4. *Caroli.*

"commanded me to preſent to your Lordſhips, which I ſhall as briefly as "I may, ſo I do it faithfully and perſpicuouſly: to that end, my Lords, be- "fore I come to the particulars of any of thoſe Precedents, I ſhall firſt re- "member to your Lordſhips that which will ſeem as a general key for the "opening and true apprehenſion of all them of record, without which key "no man, unleſs he be verſt in the entries and courſe of the Kings Bench, "can poſſibly underſtand.

A "In all caſes, my Lords, where any Right or Liberty belongs to the Sub- "jects by any poſitive Law, written or unwritten, if there were not alſo a "remedy by Law for enjoying or regaining of this Right or Liberty, when "it is violated or taken from him; the poſitive Law were moſt vain, and to "no purpoſe; and it were to no purpoſe for any man to have any right in "any Land or other Inheritance, if there were not a known remedy, that is, "an Action or Writ, by which in ſome Court of ordinary Juſtice he might "recover it. And in this caſe of Right of Liberty of Perſon, if there were not

B "a remedy in the Law for regaining it when it is reſtrained, it were of no "purpoſe to ſpeak of Laws that ordain it ſhould not be reſtrained.

"The Writ of *Habeas Corpus*, or *Corpus cum cauſa*, is the higheſt remedy "in Law for any man that is impriſoned, and the onely remedy for him that "is impriſoned by the ſpecial command of the King, or the Lords of the "privy Councel, without ſhewing cauſe of the commitment; and if any "man be ſo impriſoned by any ſuch Command, or otherwiſe whatſoever "through *England*, and deſire by himſelf, or any other in his behalf, this "Writ of *Hab. Corp.* for the purpoſe in the Court of Kings Bench, that

C "Writ is to be granted to him, and ought not to be denied, and is dire- "cted to the Keeper of the Priſon, in whoſe cuſtody the Priſoner remains, "commanding him that after a certain day he bring in the body of the "Priſoner *cum cauſa detentionis*, and ſometimes *cum cauſa captionis*; and he "with his return filed to the Writ, bringeth the Priſoner to the Bar at the "time appointed, and the Court judgeth of the ſufficiency or inſufficiency "of the return; and if they finde him baylable, *committitur Mareſcallo*, the "proper Priſon belongeth to the Court, and then afterward *traditur in ball.*

D "But if upon the return of the *Habeas Corpus* it appear to the Court that "the Priſoner ought not to be bayled, nor diſcharged from the Priſon "whence he is brought, then he is remanded and ſent back again, to con- "tinue till by due courſe of Law he may be delivered; and the entry of "this is, *remittitur quouſque ſecundum legem deliberatus fuerit*, or *remittitur* "*quouſque, &c.* which is all one, and the higheſt award of Judgement that "ever was or can be given upon a *Habeas Corpus*.

"Your Lordſhips have heard the reſolution of the Houſe of Commons,

E "touching the enlargement of a man committed by the command of the "King, or the privy Councel, or any other, without cauſe ſhewed of ſuch "commitment; which reſolution, as it is grounded upon Acts of Parliament "already ſhewen, (the reaſon of the Law of the Land being committed "to the charge of another to open unto unto you) ſo it is ſtrengthened "by many Precedents of Records. He then produced twelve Precedents full and directly in the point, to prove that perſons ſo committed ought to be delivered upon bayl, which were diſtinctly opened and read to their

F Lordſhips; then he alſo offered to their conſideration other kind of Pre- cedents, which were ſolemn reſolutions of Judges, things not of Record, but yet remain in Authentick Copies, which Precedents and Authorities we omit for the length thereof.

He then proceeded, and ſaid, "The Houſe of Commons deſiring with "all

An. 1628.

" all care to inform themſelves fully of the truth of the reſolution of the " Judges in the 34. year of the Queen, cited in the caſe of Sir *John Heven-* " *ingham*, by the Kings Councel, as Arguments againſt his not being bayled, " have got into their hands a Book of ſelect Caſes, collected by the reve- " rend and learned Judge, Chief Juſtice *Anderſon*, all written with his own " hand, which he cauſed to be read, being the ſame which hath been already " mentioned in the Collections of this Parliament; which Precedents, ſaith " he, do fully reſolve enough for the maintenance of the ancient and funda- " mental point of Liberty of the Perſon, to be regained by *Hab. Corp.* " when any is impriſoned. A

Then he concluded, that having thus gone through the charge committed to him by the Houſe of Commons, he ſhould now, as he had leave and direction given him, leſt their Lordſhips ſhould be put to much trouble and expence of time in finding and getting Copies at large of thoſe things which he had cited, offer alſo to their Lordſhips Authentick Copies of them all, and ſo left them, and whatever elſe he had ſaid, to their Lordſhips further conſideration. B

Sir Edward Cook.

LAſt of all Sir *Edward Cook* took up the Argument, as to the rational part of the Law, and began with this Introduction, " Your Lordſhips " have heard 7. Acts of Parliament in point, and 31. Precedents ſummarily " collected, and with great underſtanding delivered, which I have peruſed, " and underſtand them all throughly; 12. of the Precedents are *in ter-* " *minis terminantibus*, a whole Jury of Precedents, and all in the point; I C " am much tranſported with joy, becauſe of the hope of good ſucceſs in " this weighty buſineſs, your Lordſhips being ſo full of Juſtice, and the " very Theme and Subject doth promiſe ſucceſs, which was *Corpus cum cauſa*, " the freedom of an *Engliſh* man, not to be impriſoned without cauſe ſhewn, " which is my part to ſhew, and the reaſon and the cauſe why it ſhould be " ſo, wherein I will not be prolix nor copious, for to guild Gold were idle " and ſuperfluous. And after he had cleared ſome doubts made of the Statute of *Weſtminſter*, which ſaith, That the Sheriffs and others in ſome D caſes may not replevin men in Priſon; he proceeded further, and ſaid, " That " all thoſe Arguments offered unto your Lordſhips in this laſt conference, are " of a double nature. 1. Acts of Parliament. 2. Judicial Precedents. For " the firſt, I hold it a proper Argument for your Lordſhips, becauſe you my " Lords temporal, and you my Lords ſpiritual gave your aſſent unto thoſe " Acts of Parliament, and therefore if theſe cannot perſwade you, nothing " can. For the ſecond, which are Judicial Precedents, it is *Argumentum* " *ab authoritate*, and *Argumentum ab authoritate valet affimative*; that is, I E " conceive, though it be no good Argument to ſay negatively the Judges " have given no opinion in the point. 3. It is good Law; which I fortifie " with a ſtrong Axiome, *Neminem oportet ſapientiorem eſſe legibus*. Now theſe " two arguments being ſo well preſſed to your Lordſhips by my Colleagues, " I think your Lordſhips may wonder what my part may be; it is ſhort, but " ſweet; it is the Reaſon of all thoſe Laws and Precedents, and Reaſon " muſt needs be welcome to all men; for all men are not capable of the " underſtanding of the Law, but every man is capable of Reaſon; and thoſe F " Reaſons I offer to your Lordſhips, in affirmance of the antient Laws and " Precedents made for the Liberty of the Subject againſt Impriſonment " without cauſe expreſſed.

" 1. *A*

4 Caroli.

" 1. *A re ipſa.*
" 2. *A minore ad majus.*
" 3. From the remedies provided.
" 4. From the extent and univerſality of the ſame.
" 5. From the infiniteneſs of the time.
" 6. *A Fine.*

" The firſt general Reaſon is *a re ipſa*, even from the nature of Impriſon-
A " ment, *ex viſceribus cauſæ*, for I will ſpeak nothing but *ad idem*, be it cloſe
" or other Impriſonment; and this Argument is three-fold, becauſe an im-
" priſoned man upon will and pleaſure is

" 1. A Bond-man.
" 2. Worſe then a Bond-man.
" 3. Not ſo much as a man, for *mortuus homo non eſt homo*, a Priſoner
" is a dead man.

" 1. No man can be impriſoned upon will and pleaſure of any but he that
B " is a Bond-man and villain, for that Impriſonment and Bondage are *Propria*
" *quarto modo* to villains; now *Propria quarto modo*, and the *ſpecies* are con-
" vertible, Whoſoever is a Bond-man may be impriſoned upon will and plea-
" ſure, and whoſoever may be impriſoned upon will and pleaſure is a Bond-
" man.

" 2. If free men of *England* might be impriſoned at the will and pleaſure of
" the King or his commandment, then were they in worſe caſe then Bond-
" men or villains; for the Lord of a villain cannot command another to
C " impriſon his villain without cauſe, as of diſobedience, or refuſing to ſerve,
" as it is agreed in the year books. And here he ſaid that no man ſhould
reprehend any thing that he ſaid out of Books or Records; he ſaid he
would prove a free man impriſonable upon command or pleaſure, without
cauſe expreſſed, to be abſolutely in worſe caſe then a villain; and if he did
not make this plain, he deſired their Lordſhips not to believe him in any
thing elſe, and then produced two Book Caſes 7. *Edw.* 3. *fol.* 50. in the
new print, 348. old print. " A Prior had commanded one to impriſon his
D " villain, the Judges were ready to bayl him, till the Prior gave his reaſon,
" that he refuſed to be Bayliff of his Manour, and that ſatisfied the Judges.
" 2d. Caſe 33. *Edw.* 3. title *Treſp.* 253. in *Faux impriſonment*, it was of an
" Abbot, who commanded one to take and detain his villain, but demanded
" his cauſe, he gives it, becauſe he refuſed, being thereunto required, to
" drive his Cattel.

" *Ergo* free men impriſoned without cauſe ſhewn, are in worſe caſe then
" villains, that muſt have a cauſe ſhewn them why they are impriſoned.

E " 3. A Free man impiſoned without cauſe, is ſo far from being a Bond-
" man, that he is not ſo much as a man, but is indeed a dead man, and ſo
" no man; impriſonment is in Law a civil death; *perdit domum, familiam,*
" *vicinos, patriam*, and is to live amongſt wretched and wicked men, Male-
" factors and the like. And that death and impriſonment was the ſame,
he proved by an Argument *ab effectis*, becauſe they both produce the like
immediate effects; he quoted a Book for this: If a man be threatned to
be killed, he may avoid feoffment of Lands, gifts of goods, &c. ſo it is if he
F be threatned to be impriſoned, the one is an actual, the other is a civil
death. And this is the firſt general Argument drawn *a re ipſa*, from the nature
of impriſonment, to which *res ipſa conſilium dedit.*

The ſecond general Reaſon he took alſo from his books, for he ſaid he
hath no Law but what by great pains and induſtry he learnt at his book, for
at ten years of age he had no more Law then other men of like age; and

An. 1628. this second reason is *a minore ad majus*, he takes it from *Bracton*, *Minima pœna corporalis, est major qualibet pecuniaria.*

" But the King himself cannot impose a fine upon any man, but it must " be done judicially by his Judges, *per Justiciarios in Curia, non per regem* " *in Camera*, and so it hath been resolved by all the Judges of *England*; he quoted 3. *R.* 2. *fo.* 11.

" The third general Reason is taken from the number and diversity of " remedies which the Laws give against imprisonment, *Viz.* A

" *Breve de homine replegiando.*
" *De odio & atia.*
" *De Habeas Corpus.*
" An appeal of Imprisonment.
" *Breve de manucaptione.*

" The latter two of these are antiquated, but the Writ *De odio & atia* is " revived, for that was given by the Statute of *Magna Charta*, *Cha.* 26. and B " therefore though it were repealed by Statute of 42. *E.* 3. by which it " is provided that all Statutes made against *Magna Charta* are void; now " the Law would never have given so many remedies, if the free men of " *England* might have been imprisoned at free will and pleasure.

" The fourth general Reason is from the extent and universality of the " pretended power to imprison, for it should extend not onely to the Com- " mons of this Realm and their Posterities, but to the Nobles of the Land " and their progenies, to the Bishops and Clergy of the Realm, and their C " Successors. And he gave a cause why the Commons came to their Lord- " ships, *Commune periculum communc requirit auxilium.* Nay, it reacheth to " all persons of what condition, or sex, or age soever; to all Judges and " Officers, whose attendance is necessary, &c. without exception, and there- " fore an imprisonment of such an extent, without reason, is against reason.

" The fifth general Reason is drawn from the indefiniteness of time, the " pretended power being limited to no time, it may be perpetual during life, " and this is very hard; to cast an old man into prison, nay, to close prison, and " no time allotted for his coming forth, is a hard case, as any man would think D " that had been so used. And here he held it an unreasonable thing, that a " man had a remedy for his Horse or Cattle if detained, and none for his body " thus indefinitely imprisoned; for a Prison without any prefixed time, is a " kinde of Hell.

" The sixth and last Argument is *a Fine*; and *sapiens incipit a Fine*, and " he wisht he had begun there also; and this Argument he made three-fold:

Ab honesto. This being less honourable.
Ab utili. This being less profitable. E
A tuto. This Imprisonment by will and pleasure being very dangerous for King and Kingdom.

" 1. *Ab honesto.* It would be no honour to a King or Kingdom, to be a " King of Bond-men or Slaves, the end of this would be both *Dedecus &* " *Damnum*, both to King and Kingdom, that in former times hath been so " renowned.

" *Ab utili.* It would be against the profit of the King and Kingdom, for " the execution of those Laws before remembred, *Magna Charta*, 5. *Ed.* 3. F " 25. *Ed.* 3. 28. *Ed.* 3. whereby the King was inhibited to imprison upon " pleasure; You see (quoth he) that this was *vetus querela*, an old question, " and now brought in again, after seven Acts of Parliament; I say the exe- " cution of all these Laws are adjudged in Parliament to be for the common " profit of the King and People; and he quoted the Roll, this pretended

power

4. Caroli.

" power being against the profit of the King, can be no part of his Prero-
" gative.

" He was pleased to call this a binding Reason, and to say that the wit of
" man could not answer it; that great men kept this Roll from being Print-
" ed, but that it was equivalent in force to the printed Rolls.

" 3. A Reason *a tuto*. It is dangerous to the King for two respects; first, of
" loss, secondly, of destroying of the endeavors of men. First, if he be
A " committed without the expression of the cause, though he escape, albeit
" in truth it were for treason or felony, yet this escape is neither felony nor
" treason, but if the cause be expressed for suspicion of treason or felony,
" then the escape, though he be innocent, is treason or felony. He quoted
" a Cause in print like a reason of the Law, not like *Remittitur* at the rising
" of the Court, for the Prisoner *traditur in ballium quod breve Regis non*
" *fuit sufficiens causa*, The Kings Command. He quoted another famous
" Case, Commons in Parliament incensed against the Duke of *Suffolk* de-
B " sire he should be committed: The Lords and all the Judges, whereof
" those great Worthies, *Prescot* and *Fortescue*, were two, delivered a flat
" opinion, that he ought not to be committed without an especial Cause.
" He questioned also the name and etymologie of the Writ in question, *Cor-*
" *pus cum causa*; *Ergo*, the Cause must be brought before the Judge, else how
" can he take notice hereof?

" Lastly, he pressed a place in the Gospel, *Acts* 25. last *verse*, which *Fe-*
" *stus* conceives is an absurd and unreasonable thing, to send a Prisoner to a
C " Roman Emperor, and not to write along with him the Cause alledged a-
" gainst him; send therefore no man a Prisoner without his causes along
" with him, *Hoc fac & vives*, and that was the first reason *a tuto*, that it was
" not safe for the King in regard of Loss, to commit men without a Cause.

" The second Reason is, That such commitments will destroy the endea-
" vors of all men, Who will endeavor to imploy himself in any profession, ei-
" ther of War, Merchandise, or of any liberal knowledge, if he be but
" Tenant at will of his Liberty? for no Tenant at will will support or im-
D " prove any thing, because he hath no certain estate; *Ergo*, to make men
" Tenants at will of their Liberties, destroys all industry and endeavors
" whatsoever. And so much for these six principal Reasons:

A re ipsa.
A minore ad majus.
A remediis.
From the extent and universality.
From the infiniteness of the time.
} Loss of { Honor. Profit. Security. Industry.
E *A fine.*

These were his Reasons.

Here he made another Protestation, " That if remedy had been given in
" this Case, they would not have medled therewith by no means; but now
" that remedy being not obtained in the Kings Bench, without looking
" back upon any thing that hath been done or omitted, they desire some
" provision for the future onely. And here he took occasion to adde four
F " Book Cases and Authorities, all in the Point, saying, That if the learned
" Councel on the other side, could produce but one against the Liberties, so
" pat and pertinent, oh! how they would hug and cull it. 16. H. 6. tit.
" *monstrance de faits* 82. by the whole Court, the King in his Presence can-
" not command a man to be arrested, but an action of false imprisonment
" lieth against him that arresteth; if not the King in his royal Presence,

An. 1628.

" then none others can do it, *Non sic itur ad astra.* 1. Hen. 7. 4. *Hussey* re-
" ports the opinion of *Markham*, chief Justice to *Edw.* 4. that he could not
" imprison by word of mouth; and the reason, because the party hath no
" remedy; for the Law leaves every man a remedy of causeless imprison-
" ment: he added that *Markham* was a worthy Judge, though he fell into
" adversities at last by the Lord *Rivers* his means. *Fortescue*, Chap. 8. *Pro-*
" *prio ore nullus Regum usus est*, to imprison any man, *&c.* 4. *Eliz.* Times
" blessed and renowned for Justice and Religion, in *Pl.* 235. the common A
" Law hath so admeasured the Kings Prerogative, as he cannot prejudice any
" man in his inheritance, and the greatest inheritance a man hath, is the
" liberty of his Person, for all others are accessary to it; for thus he quoted
" the Orator: *Major hæreditas venit unicuique nostrum a Jure & legibus quam*
" *a parentibus.*

" And these are the four Authorities he cited in this point: Now he pro-
" pounded and answered two Objections; First, in point of State; Secondly,
" in the Course held by the House of Commons. B

1. Obj. " May not the Privy Councel commit without cause shewed in no matter
" of State where secrecie is required? would not this be an hinderance to his
" Majesties service?

Answ. " It can be no prejudice to the King by reason of matter of State, for the
" cause must be of a higher or lower nature; if it be for suspicion of Trea-
" son, misprision of Treason or Felony, it may be by general words couch-
" ed; if it be for any other thing of smaller nature, as contempt and the like,
" the particular cause must be shewed, and no *individuum vagum*, or uncer- C
" tain cause to be admitted.

2. Obj. " Again, if the Law be so clear as you make it, why needs the Declara-
" tion and Remonstrance in Parliament?

Answ. " The Subject hath in this Case sued for remedy in the Kings Bench by
" *Habeas Corpus*, and found none; therefore it is necessary to be cleared in
Parliament. And here ends his Discourse: And then he made a recapitu-
" lation of all that had been offered unto their Lordships, That generally their
" Lordships had been advised by the most faithful Counsellors that can be; D
" dead men these cannot be daunted by fear, nor muzled by affection, reward
" or hope of preferment, and therefore their Lordships might safely believe
" them; particularly their Lordships had three several kinds of Proofs.

" 1. Acts of Parliament, judicial Precedents, good Reasons. First, you
" have had many ancient Acts of Parliament in the Point, besides *Magna*
" *Charta*, that is, seven Acts of Parliament, which indeed are thirty seven,
" *Magna Charta* being confirmed thirty times, for so often have the Kings
" of *England* given their royal Assents thereunto. E

" 2. Judicial Precedents of grave and reverend Judges, in *terminis termi-*
" *nantibus*, that long since departed the world, and they were many in
" number. Precedents being twelve, and the Judges four of a Bench, made
" four times twelve, and that is forty eight Judges.

" 3. You have, as he tearmed them, *vividas rationes*, manifest and ap-
" parent Reasons: Towards the conclusion he declared to their Lordships,
" That they of the House of Commons have upon great study and serious
" Consideration, made a great manifestation unanimously, *Nullo contradi-* F
" *cente*, concerning this great liberty of the Subject, and have vindicated
" and recovered the Body of this fundamental Liberty, both of their Lord-
" ships and themselves, from shadows which sometimes of the day are long
" sometimes short, and sometimes long again; and therefore we must not
" be guided by shadows: and they have transmitted to their Lordships, not

" *capita*

4 *Caroli.*

" *capita rerum*, Heads or Briefs, for these *compendia* are *dispendia*; but the " Records at large, in *terminis terminantibus*: and so he concluded, that " their Lordships are involved in the same danger, and therefore *ex congruo* " *& condigno* they desired a Conference, to the end their Lordships might " make the like Declaration as they had done; *Commune periculum com-* " *mune requirit auxilium*; and thereupon take such further course, as may " secure their Lordships and them, and all their Posterity, in enjoying of A " their ancient undoubted and fundamental Liberties.

The two next days were spent in the Debate about Billeting of Soldiers upon the Subject against Law.

His Majesties Message for non-recess.

Thursday the 10. of *April*, Mr. Secretary *Cook* delivered this Message from the King, "That his Majesty desireth this House not to make any re- " cess these *Easter* Holidays, that the world may take notice how earnest his B " Majesty and we are for the publique affairs in Christendom, the which " by such a recess would receive interruption.

The Message not approved.

THis Message for non-recess, was not well pleasing to the House.

Sir Ro. Phillips.

SIr *Robert Phillips* first resented it, and took notice, " That in 12. and 18. " *Jac.* upon the like intimation, the House resolved it was in their power C " to adjourn, or sit: hereafter, said he, this may be put upon us by Princes of " less Piety; let a Committee consider hereof, and of our right herein, and " to make a Declaration. And accordingly this matter touching his Majesties pleasure about the recess was referred to a Committee, and to consider the power of the House to adjourn it self; to the end, that it being now yielded unto in obedience to his Majesty, it might not turn to prejudice in time to come.

Sir E. Cook.

D SIr *Edward Cook* spoke to the same purpose, and said, " I am as tender of " the Priviledges of this House, as of my life, and they are the Heart- " strings of the Commonwealth. The King makes a Prorogation, but this " House adjourns it self. The Commission of Adjournment we never read, " but say, This House adjourns it self. If the King write to an Abbot for a " Corody, for a *vallet*, if it be *ex rogatu*, though the Abbot yield to it, it " binds not: Therefore I desire that it be entred, that this is done *ex rogatu* " *Regis*.

E

Hereupon a Message was sent to the King, That the House would give all expedition to his Majesties Service, notwithstanding their purpose of re- cess. To which Message his Majesty returned this Answer, That the moti- on proceeded from himself, in regard of his engagement in the affairs of Christendom, wished them all alacrity in their proceedings, and that there be no recess at all.

Sec. Cook to expedite Subsidies.

F *Friday* the 11. of *April*, Secretary *Cook* moved the expediting of Subsi- sides, and turning of the Votes into an Act: " We have many Petitions " to the King, said he, and they are Petitions of Right, we have freely and " bountifully given five Subsidies, but no time is appointed, and Subsidie " without time, is no Subsidie: let us appoint a time.

Sir

An. 1628.

Sir Dudly Diggs.

SIr *Dudley Diggs* quickned his motion and ſpoke roundly: "We have "(ſaid he) freely concluded our Liberties, we have offered five Subſi- "dies, his Majeſty hath given us gracious Anſwers, we have had good by "our beginnings, what have we hitherto done for the King? nothing is "done that the King can take notice of; the world thinks that this Parlia- "ment hath not expreſſed that reſolution that it did at the firſt, how much "doth it concern the King that the world be ſatisfied with his Honor? Our "ſucceſs and honor is the Kings, Princes want not thoſe that may ingrati- "ate themſelves with them, by doing ill offices. There is a ſtop, and ne- "ver did a Parliament propound any thing but it hath been perfected ſooner "then this is: may not the King ſay, What have I done? they grow cold, "have I not told them, I will proceed with as much grace as ever King "did? He will ſettle our proprieties and goods, have we not had a gracious "anſwer? are we hand in hand for his ſupply, ſhall it be ſaid that this day it "was moved, but denied? it may put our whole buſineſs back, wherein "can this diſadvantage us? this binds us not, I dare ſay confidently we "ſhall have as much as ever any Subjects had from their King.

Sir Thomas Wentworth.

SIr *Thomas Wentworth* propoſed a middle way, *viz.* "That when we ſet "down the time, we be ſure the Subjects Liberties go hand in hand to- "gether; then to reſolve of the time, but not report it to the Houſe, till "we have a Ground and a Bill for our Liberties: this is the way to come off "fairly, and prevent jealouſies.

Hereupon the Committee of the whole Houſe reſolved, That Grievances and Supply go hand in hand.

Saturday 12. *of* April,

Mr. Secret. Cook delivereth another Meſſage concerning Supply.

MR. Secretary *Cook* delivered another Meſſage from the King (*viz.*) "His Majeſty having given timely notice to this Houſe, as well of "the preſſure of the time, as of the neceſſity of Supply, hath long ſince ex- "pected ſome fruit of that which was ſo happily begun; but finding a ſtop "beyond all expectation, after ſo good beginning, he hath commanded me "to tell you, that without any further or unneceſſary delay he would have "you to proceed in this buſineſs; for however he hath been willing and "conſenting his affairs and ours ſhould concur and proceed together, yet his "meaning was not that the one ſhould give interruption to the other, nor "the time to be ſpun out upon any pretence, upon which the common "cauſe of Chriſtendom doth ſo much depend: he bids us therefore take "heed that we force not him to make an unpleaſing end of that which was "ſo well begun.

"I will diſcharge my duty, I ſhall humbly deſire this honorable Houſe "not to undervalue or overſtrain this Meſſage; if we conceive any thing "in it to tend as if his Majeſty threatned to diſſolve this Parliament, we are "deceived; his Majeſty intends the contrary, and to put us in ſuch a way "that our buſineſs may have ſpeedy ſucceſs. His Majeſty takes notice of a "peremptory order whereby he conceived that his buſineſs was excluded, "at leaſt for a time, that which doth moſt preſs his Majeſty is time, believe "that the affairs now in hand preſs his Majeſties heart more then us, let us "remove delaies that are more then neceſſary, let us awaken our ſelves, "he intends a ſpeedy diſpatch. I muſt with ſome grief tell you, that

"notice

4. Caroli.

"notice is taken, as if this Houſe preſſed not upon the abuſes of Power
"onely, but upon Power it ſelf; this toucheth the King and us, who are
"ſupported by that Power: Let the King hear of any abuſes of Power, he
"will willingly hear us, and let us not bend our ſelves againſt the extention
"of his Royal Power, but contain our ſelves within thoſe bounds, that we
"meddle onely with preſſures and abuſes of Power, and we ſhall have the
"beſt ſatisfaction that ever King gave. I beſeech you all concur this way,
A "and uſe that moderation we have had the honor yet to gain.

Being moved to explain what he meant by the word (Power) which (he ſaid) we did oppoſe, he anſwered,

"I cannot deſcend to particulars, or go from that his Majeſty gave me
"warrant or power to deliver.

This Meſſage was very unpleaſing to the Houſe, and many debates ſucceeded thereupon. And

Sir Rob. Phillips.

B "SIr *Robert Phillips* ſaid, he hoped their moderation would have given a "right underſtanding to his Majeſty of their loyalty.

C "OThers propoſed to finde out a way by Gods providence to make this "Meſſage happy to King and People, it concerning the Kings honour "abroad, and our ſafety at home, that this Parliament be happy, Let us pre-"vent (ſay they) theſe miſchiefs, which by frequent meſſages thus obſtruct "us; let thoſe Gentlemen neer the Chair ſee that we have endeavored "to apply our ſelves to his Majeſties ſervice, notwithſtanding this Meſſage. "In 12. *Jac.* a meſſage of this nature produced no good; nothing ſo en-"dangers us with his Majeſty, as that opinion that we are Antimonarchi-"cally affected, whereas ſuch is and ever hath been our loyalty, if we "were to chooſe a Government, we would chooſe this Monarchy of *England* "above all Governments in the world.

Secr. Cook.

D ABout two days after Mr. Secretary *Cook* again did quicken the buſineſs of ſupply, alledging "that all negotiations of Ambaſſadors are at a ſtop "while the Houſe ſits, and that this ſtop is as a froſt upon the earth, that "hinders the ſweet vapors between his Majeſty and his Subjects, and that "as matters ſtand, the Soldiers can neither be disbanded nor put in ſervice.

Mr. Wandeſford.

"THis motion comes unexpectedly, but it is fit to receive ſome ſatisfa-"ction, the proceeding now with our Grievances ſhall open the ſtop "that hinders his Majeſties affairs.

Sir Humphry May.

E SIr *Humphrey May* added, "That ſweetneſs, truſt and confidence are the "onely weapons for us to deal with our King; and that coldneſs, inforce-"ment and conſtraint will never work our ends: If we compaſs all we de-"ſire, and have not his Majeſties heart, what will a Law or any thing elſe "do us good?

F HEreupon it was ordered "That a ſpecial Committee of eight perſons "ſhall preſently withdraw themſelves, and conſult together upon ſome "heads, and upon the ſubſtance of a fair repreſentation to his Majeſty, which "the Speaker ſhall deliver in his Speech to his Majeſty on *Monday* next, (if "the King pleaſe to give acceſs) and at the ſame time to deliver the Petition "againſt billeting of Soldiers.

M. Speakers

An. 1628.

Master Speakers Speech to the King on Easter Monday.

Mr. Speakers Speech to the King at the delivery of the Petition for billeting of Soldiers.

Most gracious and dread Soveraign,

"YOur dutiful and loyal Commons here assembled, were lately humble "suitors to your Majesty for access to your Royal presence; the occasion "that moved their desires herein was a particular of importance, worthy your "Princely consideration, which, as it well deserves, should have been the "onely subject of my Speech at this time.

"But since your gracious answer for this access obtained by a message "from your Majesty, they have had some cause to doubt that your Majesty "is not so well satisfied with the manner of their proceedings, as their hearty "desire is you should be, especially in that part which concerns your Maje-"sties present supply, as if in the prosecution thereof they had of late used "some slackness or delay.

"And because no unhappiness of theirs can parallel with that which may "proceed from a misunderstanding in your Majesty of their clear and loyal "intentions, they have commanded me to attend your Majesty with an "humble and summary Declaration of their proceedings since this short "time of their sitting, which they hope will give your Majesty abun-"dant satisfaction, that never People did more truly desire to be indeared "in the favour and gracious opinion of their Soveraign; and withal to "let you see, that as you can have no where more faithful counsel, so your "great designs and occasions can no way be so speedily or heartily sup-"ported, as in this old and antient way of Parliament.

"For this purpose they humbly beseech your Majesty to take into your "Royal consideration, that although by antient right of Parliament the "matters there debated are to be disposed in their true method and order, and "that their constant custome hath been to take into their considerations "the common grievances of the Kingdom, before they enter upon the "matter of supply; yet to make a full expression of that zeal and affe-"ction which they bear to your Royal Majesty, equalling at least, if not "exceeding the best affections of their predecessors, to the best of your pro-"genitors; they have in this Assembly, contrary to the ordinary proceedings "of Parliament, given your Majesties Supply precedence before the common "grievance of the Subject, how pressing soever, joyning with it onely "those fundamental and vital liberties of the Kingdom, which give sub-"sistence and ability to your Subjects.

"This was their original order and resolution, and was grounded upon "a true discerning that these two considerations could not be severed, but "did both of them intirely concern your Majesties service, consisting no less "in enabling and encouraging the Subject, then in proportioning a Present "suiting to your Majesties occasions and their abilities; nay, so far have "they been from using any unnecessary delays, as though of the two "that of Supply were the latter proposition amongst them, the Grand "Committee to which both were referred hath made that of your Maje-"sties supply first ready for conclusion.

And

2 Caroli.

"And to be sure your Majesties supply might receive no interruption "by the other, differing from usage and custome (in cases of this nature) "sent up of those that concern the Subjects by parcels, some to your "Majesty, and some to the Lords, to the end your Majesty might re- "ceive such speedy content, as suted with the largest and best extent of "their first order.

A "Sir, You are the breath of our nostrils, and the light of our eyes, "and besides those many comforts, which under You and your Royal "progenitors, in this frame of Government, this Nation hath enjoyed, "the Religion we profess hath taught us whose Image you are; and we "do all most humbly beseech your Majesty to believe, that nothing is or "can be more dear unto us then the sacred Rights and Prerogatives of "your Crown; no person or Councel can be greater lovers of you, nor

B "be more truly careful to maintain them, and the preserving of those "fundamental Liberties which concern the freedom of our persons, and "propriety of goods and estates, is an essential means to establish the true "glory of a Monarchy.

"For rich and free Subjects as they are best governed, so they are most "able to do your Majesty service, either in peace or war, which next under "God hath been the cause of the happy and famous victories of this

C "Nation, beyond other Kingdoms of larger Territories and greater number "of People.

"What information soever contrary to this shall be brought into your "Majesty, can come from no other then such as for their own ends under "colour of advancing the Prerogative, do indeed undermine and weaken "Royal Power by impoverishing the Subjects, render this Mo- "narchy less glorious, and the People less able to serve your Ma- "jesty.

D "Having (by this that hath been said) cleared our hearts and proceed- "ings to your Majesty, our trust is, that in your Royal judgement we "shall be free from the least opinion of giving any necessary stop to our "proceedings in the matter of your supply, and that your Majesty will "be pleased to entertain belief of our alacrity and chearfulness in your service, "and that hereafter no such misfortune shall befal us to be misunderstood by "your Majesty in any thing.

"We all most humbly beseech your Majesty to receive no informa- "tion in this or any other business from private relations, but to weigh and "judge of our proceedings by those resolutions of the House that shall be "represented from our selves.

E "This rightly and graciously understood, we are confident from the "knowledge of your goodness and our own hearts, that the ending of "this Parliament shall be much more happy then the beginning, and be "to all ages styled the *blessed Parliament*, for making perfect union be- "tween the best King and the best People, that your Majesty may ever "delight in calling us together, and we in the comforts of your gracious "favour towards us.

"In this hope I return to my first errand, which will best appear by F "that which I shall humbly desire you to hear, and being an humble "Petition for the House of Commons for redressing of those many in- "conveniences and distractions that have befallen your Subjects by the "billeting of Soldiers in private mens houses against their wills.

"Your Royal progenitors have ever held your Subjects hearts the best "Garrison of this Kingdom, and our humble suit to your Majesty is,

An. 1628.

"that our faith and loyalty may have such place in your Royal thoughts,
"as to rest assured that all your Subjects will be ready to lay down their
"lives for the defence of your sacred person and this Kingdom.

"Now going out selves into our Countries this Easter, we should think it
"a great happiness to us, as we know it would be a singular comfort and
"encouragement to them that sent us hither, if we might but send them
"the news of a gracious answer from your Majesty in this particular, which
"the reasons of the Petition we hope will move your most excellent Majesty
"graciously to vouchsafe us.

A

The Petition concerning the billeting of Soldiers presented to the Kings most excellent Majesty.

The Petition concerning billeting of Soldiers,

IN all humility complaining, sheweth unto your most excellent Majesty your loyal and dutiful Commons now in Parliament assembled, That whereas by the fundamental Laws of this Realm every freeman hath, and of right ought to have, a full and absolute property in his Goods and Estate, and that therefore the billeting and placing the Soldiers in the house of any such freeman against his will, is directly contrary to the said Laws under which we and our Ancestors have been so long and happily governed; yet in apparent violation of the said antient and undoubted right of all your Majesties Loyal Subjects of this your Kingdom in general, and to the grievous and insupportable vexation and detriment of many Counties and persons in particular, a new and almost unheard of way hath been invented and put in practice, to lay Soldiers upon them, scattered in Companies here and there, even in the heart and bowels of this Kingdom, and to compel many of your Majesties Subjects to receive and lodge them in their own houses, and both themselves and others to contribute toward the maintenance of them, to the exceeding great disservice of your Majesty, the general terror of all, and utter undoing of many of your People, intolerable as we cannot sufficiently recount, nor in any way proportionable to the lively sense that we have of our Miseries herein, are we able to represent unto your Majesty the innumerous mischiefs and most grievous vexations, that by this means alone we do now suffer, wherein we will not presume to trouble your sacred ears with particular instances, onely most gracious Sovereign we beg leave to offer to your gracious view a compassionate consideration of a few of them in particular.

B

C

D

1. The service of Almighty God is hereby greatly hindred, the People in many places not daring to repair to the Church, left in the mean time the Soldiers should rifle their houses.

E

2. The antient and good government of the Countrey is hereby neglected, and almost consumed.

3. Your Officers of Justice in performance of their duties have been resisted and endangered.

4. The Rents and Revenues of your Gentry greatly and generally diminished. Farmers to secure themselves from the Soldiers insolence, being by the Clamor of Solicitation of their fearful and injured Wives and Children, enforced to give up their wonted dwellings, and to retire themselves into places of more secure habitation.

F

5. Hus-

4 *Caroli.*

5. Husbandmen, that are as it were the hands of the Countrey, corrupted by ill example of the Soldiers, and encouraged to idle life, give over work, and rather seek to live idly at another mans charges, then by their own labors.

6. Tradesmen and Artificers almost discouraged, and being inforced to leave thier Trades, and to imploy their time in preserving themselves and their Families from cruelty.

A

7. Markets unfrequented, and our ways grown so dangerous, that the People dare not pass to and fro upon their usual occasions.

8. Frequent Robberies, Assaults, Batteries, Burglaries, Rapes, Rapines, Murders, Barbarous Cruelties, and other most abominable vices and outrages are generally complained of from all parts where these Companies have been and had their abode, few of which insolencies have been so much as questioned, and fewer according to their demerit punished.

B

These and many other lamentable effects (most dread and dear Soveraign) have by this billeting of Soldiers already fallen upon us your loyal Subjects, tending no less to the disservice of your Majesty, then to their impoverishing and destruction, so that thereby they are exceedingly disabled to yield your Majesty those Supplies for your urgent occasions, which they heartily desire; and yet they are further perplexed with apprehension of more approaching danger, one in regard of your Subjects at home, the other of enemies from abroad, in both which respects it seems to threaten no small Calamity to the meaner sort of your People, being exceeding poor, whereof in many places are great Multitudes, and therefore in times of more setled and most constant administration of Justice, not easily ruled, are most apt upon this occasion to cast off the reins of Government, and by joyning themselves with those disordered Soldiers are very like to fall into Mutiny and Rebellion; which in faithful discharge of our duties we cannot forbear most humbly to present to your high and excellent wisedom, being pressed with probable fears that some such mischief will shortly ensue, if an effectual and speedy course be not taken to remove out of the land, or otherwise to disband those unruly Companies.

C

D

For the second, we do most humbly beseech your Majesty to take into your Princely consideration, that many of those Companies, besides their dissolute dispositions and carriages, are such as do openly profess themselves Papists, and therefore to be suspected, that if occasion serve they will rather adhere to a forein Enemy of that Religion, then to your Majesty their liege Lord and Soveraign, especially some of their Captains and Commanders, being as Popishly affected as themselves, and having served in the Wars on the part of the King of Spain, and Arch-Dutchess against your Majesties Allies; which, of what pernicious consequence it may prove, and how prejudicial to the safety of your Kingdom, we leave to your Majesties high and Princely wisedom.

E

And now upon these, and many more which might be alledged, most weighty and important Reasons grounded on the maintenance of the Worship and Service of Almighty God, the continuance and advancement of your Majesties high honour and profit, the preservation of the antient and undoubted Liberties of your People, and therein of Justice, Industry, Valour, which meerly concerns the glory and happiness of your Majesty, and all your

F

An. 1628.

Subjects, and the preventing of calamity and ruine both of Church and Commonwealth:

We your Majesties most humble and loyal Subjects, the Knights, Citizens, and Burgesses of your House of Commons, in the name of all the Commonalty of your Kingdom, who are upon this occasion most miserably disconsolate and afflicted, prostrate at the Throne of your Grace and Justice do most ardently beg a present remove of this insupportable burden, and that your Majesty would be graciously pleased to secure us from the like pressure in the time to come.

A

To

4. *Caroli.*

To the Speakers Speech and this Petition his Majeſty made this reply,

A "Mr. Speaker and Gentlemen, when I ſent you my laſt Meſſage, I did "not expect a reply, for I intended it to haſten you, I told you at your "firſt meeting this time was not to be ſpent in words, and I am ſure it is leſs "fit for diſputes, which if I had a deſire to entertain, Mr. Speakers preamble might have given me ground enough: The queſtion is not now, what "Liberty you have in diſpoſing of matters handled in your Houſe, but rather at this time what is fit to be done.

"Wherefore I hope you will follow my example, in eſchewing Diſputa- "tions, and fall to your important buſineſs. You make a Proteſtation of your B "affection and zeal to my Prerogative, grounded upon ſuch good and juſt "Reaſons, that I muſt believe you: But I look that you uſe me with the "like charity, to believe what I have declared more then once ſince your "meeting with us, that I am as forward as you for the preſervation of your "true Liberties. Let us not ſpend ſo much time in this that may hazard both "my Prerogative and your Liberties to our enemies.

"To be ſhort, go on ſpeedily with your buſineſſes without any more "Apologies, for time calls faſt on you, which will neither ſtay for you C "nor me: Wherefore it is my duty to haſten, as knowing the neceſſity of it, "and yours, to give credit to what I ſay, as to him that ſits at the Helm.

"For what concerns your Petition, I ſhall make anſwer in a convenient "time.

Martial Law debated.

FRom this time to the 25th. of the ſame Moneth, the Houſe in a grand Committee ſpent moſt of their time in Debate about Martial Law, and part thereof in giving the Lords a meeting at two Conferences, concerning D ſome Reſolves, in order to a Petition of Right, tranſmitted by the Commons to their Lordſhips; at which time Sir *Robert Heath* and Serjeant *Aſhley* the Kings Councel, were permitted to argue againſt the ſame; and Serjeant *Aſhley* in his diſcourſe, ſaid, The Propoſitions made by the Commons tended rather to an Anarchy then a Monarchy: 2. That if they be yielded unto, it is to put a Sword into the Kings hand with one hand, and to take it out with the other: 3. That they muſt allow the King to govern by Acts of State, otherwiſe he is a King without a Councel, or a Councel without a E Power: 4. That the queſtion is too high to be determined by Law, where the Conqueror or conquered will ſuffer irreparable loſs. For which expreſſions the Lords called the Serjeant to an account, and committed him to cuſtody, and afterwards he recanted what he ſaid.

Serj. Aſhley queſtioned for ſome words.

Friday

An. 1628.

Friday 25 of April,

The Lords had a Conference with the Commons, where the Lord Archbishop of Canterbury *spake as followeth.*

Gentlemen of the House of Commons,

Archbishops Speech at a Conference concerning the Petition of Right.

"THe Service of the King and safety of the Kingdom, do call on my Lords "to give all speedy expedition, to dispatch some of these great and "weighty Businesses before us. For the better effecting whereof, my "Lords have thought fit to let you know, that they do in general agree "with you, and doubt not but you will agree with us, to the best of your "powers to maintain and support the fundamental Laws of the Kingdom, "and the fundamental Liberties of the Subject: For the particulars which "may hereafter fall into Debate, they have given me in charge to let you "know, That what hath been presented by you unto their Lordships, they "have laid nothing of it by, they are not out of love with any thing that "you have tendred unto them; They have Voted nothing, neither are "they in love with any thing proceeding from themselves: For that which "we shall say and propose, is out of an intendment to invite you to a mu-"tual and free Conference, that you with a confidence may come to us, "and we with confidence may speak with you; so that we may come to a "conclusion of those things which we both unanimously desire.

"We have resolved of nothing, designed or determined of nothing, but "desire to take you with us, praying help from you, as you have done "from us.

My Lords have thought of some Propositions, which they have ordered "to be read here, and then left with you in Writing, That if it seem good "to you, we may uniformly concur for the substance; and if you differ, that "you would be pleased to put out, adde, alter, or diminish, as you shall "think fit, that so we may come the better to the end, that we do both "so desirously embrace.

Then the Propositions following were read by the Clerk of the upper House.

Propositions tendred to the Commons by the Lords, touching the Petition of Right

THat his Majesty would be pleased graciously to Declare, That the good old Law called *Magna Charta*, and the six Statutes conceived to be Declarations and Explanations of that Law, do still stand in force to all intents and purposes.

2. That his Majesty would be pleased graciously to Declare, That according to *Magna Charta*, and the Statutes afore named, as also according to the most ancient Customs and Laws of this Land, every free Subject of this Realm, hath a fundamental Propriety in his Goods, and a fundamental Liberty of his Person.

3. That his Majesty would be graciously pleased to Declare, That it is his Royal pleasure to ratifie and confirm unto all and every his Loyal and faithful

faithful Subjects, all their ancient, ſeveral, juſt Liberties, Priviledges and Rights, in as ample and beneficial maner to all intents and purpoſes, as their Anceſtors did enjoy the ſame under the beſt of his moſt noble Progenitors. 4 *Caroli.*

4. That his Majeſty would be further pleaſed graciouſly to Declare, for the good content of his loyal Subjects, and for the ſecuring of them from
A future fear, That in all Caſes within the Cognizances of the Common Law concerning the liberties of the Subject, his Majeſty would proceed according to the Common Law of this Land, and according to the Laws eſtabliſhed in the Kingdom, and in no other maner or wiſe.

5. As touching his Majeſties Royal Prerogative, intrinſical to his Soveraignty, and betruſted him withal from God, *ad communem totius populi ſalutem, & non ad deſtructionem*, that his Majeſty would reſolve not
B to uſe or divert the ſame, to the prejudice of any his loyal People in the propriety of their Goods, or liberty of their Perſons: And in caſe, for the ſecurity of his Majeſties royal Perſon, the common ſafety of his People, or the peaceable Government of this Kingdom, his Majeſty ſhall finde juſt cauſe for reaſon of State to impriſon or reſtrain any mans Perſon, his Majeſty would graciouſly Declare, That within a convenient time
C he ſhall, and will expreſs the cauſe of the commitment or reſtraint, either General or Special; and upon a cauſe ſo expreſſed, will leave him immediately to be tryed according to the common Juſtice of the Kingdom.

After the reading of the Propoſitions, the Archbiſhop ſaid,

D THis is but a Model to be added unto, altered, or diminiſhed, as in your reaſons and wiſdoms ye ſhall think fit, after ye have communicated the ſame to the reſt of the Members of the Houſe.

To this Speech Sir Dudley Diggs, *it being at a free Conference, made Reply;*

Sir Dudley Diggs replies to this Speech.

E "MY Lords, it hath pleaſed God many ways to bleſs the Knights, Citizens, and Burgeſſes now aſſembled in Parliament, with great "comfort and ſtrong hopes, that this will prove as happy a Parliament as "ever was in *England*. And in their Conſultations for the ſervice of his "Majeſty, and the ſafety of this Kingdom, our ſpecial comforts and ſtrong "hopes have riſen from the continued good reſpect, which your Lordſhips "ſo nobly from time to time have been pleaſed to ſhew unto them, particularly at this preſent in your ſo honorable profeſſion to agree with them in "general, and deſiring to maintain and ſupport the fundamental Laws and "Liberties of *England*.

F "The Commons have commanded me in like ſort to aſſure your Lord"ſhips, they have been, are, and will be as ready to propugne the juſt Pre"rogative of his Majeſty, of which in all their Arguments, ſearches of Re"cords, and Reſolutions they have been moſt careful, according to that "which formerly was, and now again is proteſted by them.

"Another

An. 1628.

" Another noble Argument of your honorable disposition towards them
" is expressed in this, That you are pleased to expect no present answer
" from them, who are (as your Lordships in your great wisdoms, they doubt
" not, have considered) a great Body that must advise upon all new Propo-
" sitions, and resolve upon them before they can give answer, according to
" the antient Order of their House. But it is manifest in general (God be
" thanked for it) there is a great concurrence of affection to the same end in
" both Houses, and such good Harmony, that I intreat your Lordships leave
" to borrow a Comparison from Musick, or natural Philosophy: As two
" Lutes well strung and tuned brought together, if one be played on, little
" straws and sticks will dance upon the other, though it lyn still: so though
" we have no power to reply, yet these things said and propounded cannot
" but work in our hearts, and we will faithfully report these Passages to our
" House, from whence in due time (we hope) your Lordships shall receive
" a contentful Answer.

The Commons were not satisfied with these Propositions, which were conceived to check the Petition of Right, then under consideration, but demanded upon them,

Monday

4 Caroli.

Monday 28 April.

The Lord Keeper ſpake to both Houſes of Parliament by the Kings command, who was then preſent.

A

"MY Lords, and ye the Knights, Citizens and Burgeſſes of the Houſe "of Commons, ye cannot but remember the great and important "Affairs concerning the ſafety both of the State and Religion, declared at "firſt from his Majeſties own mouth, to be the cauſes of the Aſſembling of "this Parliament; the ſenſe whereof, as it doth daily increaſe with his Ma- "jeſty, ſo it ought to do, and his Majeſty doubts not but it doth ſo with B "you, ſince the danger increaſeth every day, both by effluxion of time, "and preparations of the Enemy.

The Lord Keepers Speech to both Houſes, concerning ſupply, by the Kings command.

"Yet his Majeſty doth well weigh, that this expence of time hath been "occaſioned by the Debate which hath ariſen in both Houſes touching the "Liberty of the Subject; in which, as his Majeſty takes in good part the "purpoſe and intent of the Houſes, ſo clearly and frequently profeſſed, that "they would not diminiſh or blemiſh his juſt Prerogative, ſo he preſumes "that ye will all confeſs it a point of extraordinary Grace and Juſtice in him C "to ſuffer it to reſt ſo long in diſpute without interruption; but now his "Majeſty conſidering the length of time which it hath taken, and fearing "nothing ſo much as any future loſs of that whereof every hour and mi- "nute is ſo pretious, and foreſeeing that the ordinary way of Debate, "though never ſo carefully husbanded, in regard of the Form of both Houſes, "neceſſarily takes more time then the Affairs of Chriſtendom can permit, "his Majeſty out of his great Princely care hath thought of this expedient "to ſhorten the buſineſs, by declaring the clearneſs of his own heart and in- D "tention: And therefore hath commanded me to let you know, *That he* "*holdeth the Statute of Magna Charta, and the other Six Statutes inſiſted upon* "*for the Subjects Liberty, to be all in force, and aſſures you, that he will main-* "*tain all his Subjects in the juſt Freedom of their Perſons, and ſafety of their* "*Eſtates: And that he will govern according to the Laws and Statutes of this* "*Realm: And that ye ſhall finde as much ſecurity in his Majeſties Royal Word* "*and Promiſe, as in the ſtrength of any Law ye can make; ſo that hereafter ye* "*ſhall never have cauſe to complain.* The concluſion is, That his Majeſty E "prayeth God, who hath hitherto bleſſed this Kingdom, and put into his "heart to come to you this day, to make the ſucceſs thereof happy, both "to King and People: And therefore he deſires that no doubt or diſtruſt "may poſſeſs any man, but that ye will all proceed unanimouſly to the "buſineſs.

The Commons being returned from the Lords Houſe, Mr. Secretary *Cook* perſwaded them to comply with the King.

F His Majeſty, ſaid he, puts us in minde of the great important Affairs of the State, and of his ſenſe thereof, that by effluxion of time increaſeth in him, and he doubts not but that it doth increaſe in us: Ye ſee his Majeſties moderation in the interpretation of all our actions; he ſaith that he hopes we have the ſame ſenſe he hath, he is pleaſed to conſider of the occaſion of expence of time that grew from the Debates in both Houſes, We

An. 1628.

ſee how indulgent he is, that however the Affairs of Chriſtendom are great, yet he omits not this, nay he takes in good part our Proceedings and our Declarations that we will not Impeach the Prerogative: Alſo his Majeſty preſumes that we will confeſs that he hath uſed extraordinary Grace, in that he hath indured diſpute ſo long, he acknowledgeth it Juſtice to ſtand as we have done.

Further, out of a Princely care of the Publique, he is careful no more time be loſt; and becauſe he ſees ſome extraordinary courſe to be taken to ſatiſfie us, he obſerves that in the Form of Debate ſuch length is required, as the nature of the buſineſs will not indure. It is to be preſumed, that his Government will be according to the Law: We cannot but remember what his Father ſaid, *He is no King but a Tyrant, that governs not by Law*; But this Kingdom is to be governed by the Common Law, and his Majeſty aſſures us ſo much; the Interpretation is left to the Judges, and to his great Council, and all is to be regulated by the Common Law; I mean not *Magna Charta* onely, for that *Magna Charta* was part of the Common Law, and the ancient Law of this Kingdom; all our difference is in the Application of this Law, and how this Law with difference is derived into every Court. I conceive there are two Rules; the one of Braſs, that is rigid and will not bend, and that is the Law of the Kings Bench, this Law will not bend; and when it lights on Subjects fitting, if it do not bend, it is unjuſt: And there comes in the Law of the Chancery and of Equity; this is Application of Law in private mens Cauſes, when it comes to *Meum & tuum*. And thus the general Government of Caſes, with relation to the common State of the Kingdom, is from the Council Board, and there they are to vary from the Law of the Kingdom: Suppoſe it be in time of Dearth, Propriety of Goods may in that time be forced, and be brought to the Market: We ſaw the experience of it in Coals in *London*, and the Council Board cauſed them to be brought forth and ſold. In a time of Peſtilence men may be reſtrained: If a Schiſm be like to grow in a Church, the State will enquire after the favorers of it: if there be fear of Invaſion, and it be encouraged by hope of a Party amongſt us, it is in the power of Government to reſtrain men to their houſes.

In the Compoſure of theſe things there is great difference: What differences have been between the Courts of Chancery and Kings Bench? It is hard to put true difference between the Kings Prerogative and our Liberties. His Majeſty ſaw expence of time would be prejudicial; it pleaſed God to move his Majeſty by a Divine hand to ſhew us a way to clear all our difficulties; let us attend to all the parts of it, there be Five Degrees, and there is more aſſurance then we could have by any Law whatſoever. His Majeſty declares, That *Magna Charta* and the other Statutes are in force: This is not the firſt time that the Liberty of the Subject was infringed, or was in Debate and confirmed; all times thought it ſafe, that when they came to a Negative of Power, it was hard to keep Government and Liberty together; but his Majeſty ſtopped not there, but according to the ſenſe of theſe Laws, That he will govern his Subjects in their juſt Liberties, he aſſures us our Liberties are juſt, they are not of Grace, but of Right; nay he aſſures us he will govern us according to the Laws of the Realm, and that we ſhall finde as much ſecurity in his Majeſties Promiſe, as in any Law we can make; and whatſoever Law we ſhall make, it muſt come to his Majeſties allowance; and if his Majeſty finde cauſe in his Government, he may not put life to it: We daily ſee all Laws are broken, and all Laws will be broke for the Publique good, and the King may pardon all Offenders; his

his Majesty did see that the best way to settle all at unity, is to express his own heart: The Kings heart is the best guarder of his own promise, his promise is bound with his heart. What Prince can express more care and wisdom? 4 *Caroli.*

Lastly he saith, That hereafter ye shall never have the like cause to complain; May we not think the breach is made up? is not his Majesty ingaged in his Royal word?

A The conclusion is full of weight: and he prayes God, that as God hath blessed this Kingdom, and put it into his heart to come amongst us, so to make this day successful. *The wrath of a King is like the roaring of a Lyon,* and all Laws with his wrath are to no effect; but *the Kings favour is like to the dew of the grass,* there all will prosper; and God made the Instruments to unite all hearts.

His Majesty having thus discharged himself, he prayes us to proceed to the business that so much concerns him. As his Majesty hath now shewed himself the best of Kings, let us acknowledge his Majesties goodness, and B return to that Union which we all desire.

But this motion was not received with general acceptation; and Sir *Benjamin Rudyard* replyed to it in these words.

Sir Ben. Rudyards Speech concerning that motion.

"WE are now upon a great business, and the maner of handling it "may be as great as the business it self. Liberty is a precious "thing, for every man may set his own price upon it, and he that doth not C "value it, deserves to be valued accordingly; for mine own part, I am clear "without scruple, that what we have resolved, is according to the Law; "and if any Judge in *England* were of a contrary opinion, I am sure we "should have heard of him ere now; out of all question, the very scope and "drift of *Magna Charta* was to reduce the Regal to a Legal Power in matter "of Imprisonment, or else it had not been worthy so much contending for.

"It is true, That the King ought to have a trust reposed in him, God for- "bid but he should, and I hope it is impossible to take it from him; for it D "lies not in the wit of man, to devise such a Law as shall comprehend all "particulars, all accidents, but that extraordinary Causes may happen, which "when they come, if they be disposed of for the common good, there will "be no Law against them, yet must the Law be general, for otherwise Ad- "missions and Exceptions will fret and eat out the Law to nothing. God "himself hath constituted a general Law of Nature, to govern the ordi- "nary course of things, he hath made no Law for Miracles; yet there is "this observation of them, that they are rather *præter naturam*, then *contra na-* E "*turam*, and always *propter bones fines*: So the Kings Prerogatives are rather be- "sides the Law, then against it; and when they are directly to their ends "for the publique good, they are not onely concurring Laws, but even Laws "in singularity and excellency.

"But to come nearer, let us consider where we are now, what steps we "have gone, and gained; The Kings learned Councel have acknowledged "all the Laws to be still in force, the Judges have not allowed any Judge- "ment against these Laws, the Lords also have confessed, that the Laws F "are in full strength; they have further retained our resolutions intire, and "without prejudice.

"All this hitherto is for our advantage, but above all his Majesty hath "this day (himself being publiquely present) declared by the mouth of the "Lord Keeper, before both the Houses, That *Magna Charta* and the other

An. 1628.

"six Statutes, are still in force; That he will maintain his Subjects in the Li-
"berties of their Persons, and Proprieties of their Goods; That he will go-
"vern them according to the Laws of the Kingdom; this is a solemn and
"binding satisfaction, expressing his gracious readiness to comply with his
"people in their reasonable and just desires. The King is a good Man, and
"it is no diminution to a King, to be called so; for whosoever is a good
"Man shall be greater then a King, that is not so. The King certainly is ve-
"ry tender of his present Honor, and of his Fame hereafter: He will think A
"it hard to have a worse mark set upon him, then upon any of his Ance-
"stors, by extraordinary restraints: His Majesty hath already intimated unto
"us by a Message, That he doth willingly give way to have the abuse of
"Power reformed; by which I do verily believe he doth very well under-
"stand, what a miserable power it is, which hath produced so much weak-
"ness to Himself, and to the Kingdom; And it is one happiness, that he is
"so ready to redress it.

"For mine own part, I shall be very glad to see that old decrepite Law B
"*Magna Charta*, which hath been so long kept and lien bed-rid as it were.
"I shall be glad to see it walk abroad again with new vigor, and lustre, at-
"tended and followed with the other six Statutes: questionless it will be a
"great heartning to all the people. I doubt not, but upon a debating con-
"ference with the Lords, we may happily fall upon a fair, fit accommoda-
"tion, concerning the Liberty of our Persons, and Propriety of our Goods.
"I hope we may have a Bill, to agree in the point, against imprisonment
"for Loans, or privy Seals: As for intrinseral power and reason of State, C
"they are matters in the Clouds, where I desire we may leave them, and
"not meddle with them at all, lest by the way of admittance, we may lose
"somewhat of that which is our own already: Yet this by the way I will
"say of reason of State, That in the latitude by which 'tis used, it hath
"eaten out almost, not onely the Laws, but all the Religion of Christendom.

"Now I will onely remember you of one Precept, and that of the wisest
"man, *Be not over wise, be not over just*: and he gives his reason, *for why*
"*wilt thou be desolate?*

"If Justice and Wisdom may be stretcht to desolation, let us thereby D
"learn that Moderation is the Vertue of Vertues, and Wisdom of Wis-
"doms. Let it be our Master-piece so to carry the business, that we may
"keep Parliaments on foot: For as long as they be frequent, there will be no
"irregular Power, which though it cannot be broken at once, yet in short
"time it will be made and mouldred away; there can be no total or final loss
"of Liberties, as long as they last; What we cannot get at one time, we shall
"have at another.

E

A Committee ordered to draw up a Bill in order to the Petition of Right

Upon this debate it was ordered, That a Committee of Lawyers do draw a Bill, containing the substance of *Magna Charta*, and the other Statutes that do concern the Liberty of the Subject: which business took up two whole days.

Thursday, the first of May.

F

Mr. Secretary Cook brings a Message to relye on the Kings Word.

"MAster Secretary *Cook* delivers a Message from his Majesty, *viz.* to
"know whether the House will rest on his *Royal Word*, or no, decla-
"red to them by the Lord Keeper; which if they do, he assures them it shall
"be Royally performed.

Upon

4 Caroli.

Upon this there was a silence for a good space: Then Mr. Secretary *Cook* proceeded. "This silence invites me to a further Speech, and further to "address my self: Now we see we must grow towards an issue; for my part, "how confident I have been of the good issue of this Parliament, I have cer- "tified in this place, and elsewhere, and I am still confident therein; I "know his Majesty is resolved to do as much as ever King did for his Sub- "jects. All this Debate hath grown out of the sense of our Sufferings, and A "a desire of making up again those Breaches that have been made.

"Since this Parliament begun, hath there been any dispence made of that "which hath formerly been done? when means were denied his Majesty be- "ing a yong King, and newly come to his Crown, which he found inga- "ged in a War, what could we expect in such *Necessities?* His Majesty cal- "led this Parliament to make up the Breach: His Majesty assures us we shall "not have the like cause to complain: He assures the Laws shall be establi- "shed, what can we desire more? all is, that we provide for Posterity, and B "that we do prevent the like suffering for the future: Were not the same "means provided by them before us? can we do more? we are come to the "Liberty of the Subjects, and the Prerogative of the King, I hope we shall "not adde any thing to our selves, to depress him. I will not divine, I "think we shall finde difficulty with the King, or with the Lords, I shall "not deliver my opinion as Counsellor to his Majesty, which I will not "justifie and say here, or at the Councel Board. Will we in this neces- "sity strive to bring our selves into a better Condition and greater Liberty, C "then our Fathers had, and the Crown into a worse then ever? I dare not "advise his Majesty to admit of that: if this that we now desire be no "Innovation, it is all contained in those Acts and Statutes, and whatso- "ever else we would adde more, is a diminution to the Kings Power, and "an addition to our own. We deal with a wise and prudent Prince, that "hath a Sword in his hand for our good, and this good is supported by "Power. Do not think, that by Cases of Law and Debate we can make "that not to be Law, which in experience we every day finde necessary: "make what Law you will, if I do discharge the place I bear, I must commit D "men, and must not discover the Cause to any Jaylor or Judge; if I by this "Power commit one without just Cause, the burthen falls heavy on me, by "his Majesties displeasure, and he will remove me from my place: Govern- "ment is a solid thing, and must be supported for our good.

Sir *Robert Philips* hereupon spake this:

"That if the words of Kings strike impressions in the hearts of Subjects, "then do these words upon this occasion strike an impression into the hearts E "of us all: to speak in a plain language, we are now come to the end of our "journey, and the well disposing of an Answer to this Message, will give "happiness or misery to this Kingdom. Let us set the Commonwealth "of *England* before the eyes of his Majesty, that we may justifie our "selves that we have demeaned our selves dutifully to his Majesty.

And so the day following they had further Debate upon that matter, the House being turned into a Grand Committee, and Mr. *Herbert* in the F Chair.

Some say, that the Subject has suffered more in the violation of ancient Liberties within these few years, then in Three hundred years before, and therefore care ought to be taken for the time to come.

Sir *Edward Cook* said, That that *Royal word* had reference to some Message formerly sent; his Majesties word was, That they may secure themselves

any

An. 1628.

any way, by Bill or otherwise, he promised to give way to it; and to the end that this might not touch his Majesties Honor, it was proposed that the Bill come not from the House, but from the King: We will and grant for us and our Successors, and that we and our Successors will do thus and thus: and it is the Kings Honor, he cannot speak but by Record.

Others desired the House to consider when and where the late promise was made; was it not in the face of both Houses; Cruel Kings have been careful to perform their promises, yea, though they have been unlawful, as *Herod*. Therefore if we rest upon his Majesties promise, we may assure our selves of the performance of it: Besides, we binde his Majesty by relying on his word: we have Laws enough, it is the execution of them that is our life, and it is the King that gives life and execution.

Sir Thomas Wentworth

Sir *Thomas Wentworth* concluded the Debate, saying, "That never "House of Parliament trusted more in the goodness of their King, for "their own private, then the present; but we are ambitious that his Ma- "jesties goodness may remain to posterity, and we are accomptable to a "publique trust: and therefore seeing there hath been a publique violation "of the Laws by his Ministers, nothing will satisfie him but a publique "mends; and our desire to vindicate the Subjects Rights by Bill, are no "more then are laid down in former Laws, with some modest Provision "for Instruction, Performance and Execution.

Which so well agreed with the Sense of the House, that they made it the subject of a Message to be delivered by the Speaker to his Majesty.

The King gives notice to both Houses that he intends shortly to end this Session.

AMidst those deliberations another Message was delivered from his Majesty by Mr. Secretary *Cook*; "That howsoever we proceed in this "business we have in hand, which his Majesty will not doubt but to be ac- "cording to our constant professions, and so as he may have cause to give us "thanks; yet his resolution is, that both his Royal care, and hearty and ten- "der affection towards all his loving Subjects, shall appear to the whole "Kingdom and all the World, that he will govern us according to the "Laws and Customs of this Realm; that he will maintain us in the Liber- "ties of our Persons, and Proprieties of our Goods, so as we may enjoy as "much happiness as our forefathers in their best times; and that he will re- "ctifie what hath been or may be found amiss amongst us, so that hereafter "there may be no just cause to complain. Wherein as his Majesty will rank "himself amongst the best of our Kings, and shew he hath no intention to in- "vade or impeach our lawful Liberties, or Right; so he will have us to match "our selves with the best Subjects, not by incroaching upon that Sove- "raignty or Prerogative which God hath put into his hands for our good, but "by containing our selves within the Bounds and Laws of our forefathers, "without restraining them, or inlarging them by new Explanations, Inter- "pretations, Expositions, or Additions in any sort; which he telleth us he "will not give way unto.

"That the weight of the Affairs of the Kingdom, and Christendom, "do press him more and more, and that the time is now grown to that point "of maturity, that it cannot endure long debate, or delay; so as this Sessi- "on of Parliament must continue no longer then *Tuesday* come sevennight, "at the furthest: In which time his Majesty for his part will be ready to "perform what he promised, and if the House be not as ready to do that is "fit of themselves, it shall be their own faults.

"And upon assurance of our good dispatch and correspondence his Maje-

"sty

4 Caroli.

"sty declareth, That his Royal intention is to have another Session of Par-
"liament at *Michaelmas* next, for the perfecting of such things as cannot
"now be done.

This Message was debated the next day, being Saturday *May* 30. whereupon Sir *John Elliot* spake to this effect.

Sir John Elliot.

The King, saith he, will rank himself with the best of Kings, and therefore he would have us to rank our selves with the best Subjects; we will not
A incroach upon that Soveraignty that God hath put into his hands: This makes me fear his Majesty is misinformed in what we go about, let us make some inlargement, and put it before him, that we will not make any thing new; as for the time of this Session, it is but short, and look how many Messages we have, so many interruptions and mis-reports, and mis-representations to his Majesty produce those Messages.

Sir *Miles Fleetwood* continues the Debate, and said, That this business is
B of great importance, we are to accommodate this: The breach of this Parliament will be the greatest misery that ever befell us; the eyes of Christendom are upon this Parliament, the state of all our Protestant friends are ready to be swallowed up by the Emperors Forces, and our own Kingdom is in a miserable straight, for the defence of our Religion that is invaded by the Romish Catholicks, by the colour of a Commission, which is intolerable; the defence of our Realm by Shipping is decayed, the Kings Revenue is sold and gone, where shall the relief be obtained but in Parliament? Now we
C are in the way, let us proceed by way of Bill, in pursuance of the Kings Message, to establish the Fundamental Laws in Propriety of our Goods, and Liberty of our Persons: It was declared to us, that courses by Loan and Imprisonment were not lawful; let us touch them in our Bill, and that all Precedents and Judgements seeming to the contrary, be void, and that all Commitments against the Law be remedied, and that we be protected against the fear of Commitments.

In conclusion, the Commons agree to an Answer to all the preceding
D Messages, and present it to the King by the mouth of their Speaker.

The Speakers Speech to the King in Answer to several Messages.

Most Gracious and Dread Sovereign,

The Speakers Speech to the King, in answer to several Messages.

"YOur Loyal and Obedient Subjects, the Commons now Assembled in
"Parliament, by several Messages from your Majesty, and especially
E "by that your Declaration delivered by the Lord Keeper before both
"Houses, have to their exceeding joy and comfort received many ample
"expressions of your Princely care and tender affections towards them, with
"a gracious promise and assurance, that your Majesty will govern according
"to the Laws of this Realm, and so maintain all your Subjects in the just
"Freedom of their Persons, and Safety of their Estates, that all their
"Rights and Liberties may be by them enjoyed with as much freedom and
F "security in their time, as in any age heretofore by their Ancestors under the
"best of your Progenitors: For this so great a favor enlarged by a com-
"fortable intimation of your Majesties confidence in the proceedings of this
"House, they do by me their Speaker make as full return of most humble
"thanks to your Majesty, with all dutiful acknowledgement of your
"Grace and Goodness herein extended unto them.

"And whereas in one of those Messages delivered from your Majesty,

"there

An. 1628.

" there was an expreſſion of your deſire to know whether this Houſe would
" reſt upon your Royal Word and Promiſe, aſſuring them, that if they
" would, it ſhould be royally and really performed: As they again preſent
" their humble thanks for the ſeconding and ſtrengthning of your former
" Royal expreſſions, ſo in all humbleneſs they aſſure your Majeſty, that
" their greateſt confi[illegible]ce is, and ever muſt be in your Grace and Goodneſs,
" without which they well know, nothing that they can frame or deſire,
" will be of ſafety or value to them: Therefore are all humble Suiters to A
" your Majeſty, That your Royal heart will graciouſly accept and believe
" the truth of theirs, which they humbly preſent as full of truth and con-
" fidence in your Royal Word and Promiſe, as ever Houſe of Commons
" repoſed in any of their beſt Kings.

" True it is, they cannot but remember the publique Truſt for which
" they are accomptable to preſent and future times; and their deſires are,
" That your Majeſties goodneſs might in Fruit and Memory be the Bleſ- B
" ſing and Joy of Poſterity.

" They ſay alſo, That of late there hath been publique violation of the
" Laws, and the Subjects Liberties, by ſome of your Majeſties Miniſters,
" and thence conceive that no leſs then a publique remedy will raiſe the de-
" jected hearts of your loving Subjects to a chearful ſupply of your Majeſty,
" or make them receive content in the proceedings of this Houſe.

" From thoſe conſiderations, they moſt humbly beg your Majeſties leave
" to lay hold of that gratious offer of yours, which gave them aſſurance,
" That if they thought fit to ſecure themſelves in their Rights and Liber- C
" ties, by way of Bill, or otherwiſe, ſo it might be provided with due re-
" ſpect to Gods Honor, and the publique Good, you would be graciouſly
" pleaſed to give way unto it. Far from their intentions it is any way to in-
" croach upon your Soveraignty, or Prerogative; nor have they the leaſt
" thought of ſtretching or enlarging the former Laws in any ſort by any
" new Interpretations, or Additions; the Bounds of their deſires extend
" no further, then to ſome neceſſary Explanation of that which is truly
" comprehended within the juſt ſenſe and meaning of thoſe Laws, with ſome D
" moderate proviſion for execution and performance, as in times paſt upon
" like occaſion hath been uſed.

" The way how to accompliſh theſe their humble deſires, is now in ſe-
" rious conſideration with them; wherein they humbly aſſure your Maje-
" ſty, they will neither loſe time, nor ſeek any thing of your Majeſty, but
" that they hope may be fit for Dutiful and Loyal Subjects to ask, and
" for a gracious and juſt King to grant. E

His Majeſties Anſwer was delivered by the Lord Keeper.

His Majeſties anſwer to the Speakers Speech.

Mr. Speaker, and you Gentlemen of the Houſe of Commons, His Majeſty hath commanded me to tell you, that he expected an Anſwer by your Actions, and not delay by Diſcourſe: ye acknowledge his Truſt and Confidence in your proceedings, but his Majeſty ſees not how you requite him by your confidence of his Word and Actions: For what need Explanations, if ye doubted not the performance of the true meaning? for Explanations will hazard an incroachment upon his Prerogative. And it may well be ſaid, What need a new Law to confirm an old, if you repoſe F

4 *Caroli.*

poſe confidence in the Declaration his Majeſty made by me to both Houſes, and your ſelves acknowledge, that your greateſt truſt and confidence muſt be in his Majeſties Grace and Goodneſs, without which nothing ye can frame will be of ſafety, or avail to you: Yet to ſhew cleerly the ſincerity of his Majeſties intentions, he is content that a Bill be drawn for a confirmation of *Magna Charta*, and the other ſix Statutes inſiſted upon for the Subjects Liberties, if ye ſhall chooſe that as the beſt way, but ſo as it may be
A without Additions, Paraphraſes, or Explanations.

Thus if you pleaſe you may be ſecured from your needleſs fears, and this Parliament may have a happy wiſhed for end: whereas by the contrary, if ye ſeek to tie your King by new, and indeed impoſſible bonds, you muſt be accomptable to God and the Countrey for the ill ſucceſs of this meeting. His Majeſty hath given his Royal Word, that ye ſhall have no cauſe to complain hereafter: leſs then which hath been enough to reconcile Great Princes, and therefore ought much more to prevail between a King and his
B Subjects.

Laſtly, I am commanded to tell you that his Majeſties pleaſure is, That without further Replies or Meſſages, or other unneceſſary delays, ye do what ye mean to do ſpeedily, remembring the laſt Meſſage that Secretary *Cook* brought you in point of time: His Majeſty always intending to perform his Promiſe to his power.

Mr. Secretary Cook brings another Meſſage to relie on the Kings Words.

C NOtwithſtanding the intimation of his Majeſties good pleaſure for a Bill, Mr. Secretary *Cook*, *Tueſday May 6.* again preſſed the Houſe to relye upon the Kings Word, ſaying, "That he had rather follow others, "then begin to enter into this buſineſs: loſs of time hath been the greateſt "complaint, the matter fallen now into conſideration, is what way to take, "whether to relye on his Majeſties Word, or on a Bill: If we will conſider "the advantage we have in taking his Majeſties Word, it will be of the lar-"geſt extent, and we ſhall chooſe that that hath moſt Aſſurance: An Act of "Parliament is by the conſent of the King and Parliament; but this Aſſu-
D "rance by Word, is that he will govern us by the Laws; the King promi-"ſeth that, and alſo that they ſhall be ſo executed, that we ſhall enjoy as "much freedom as ever: this contains many Laws, and a grant of all good "Laws; nay, it contains a confirmation of thoſe very Laws. Aſſurance, which "binds the King further then the Law can; Firſt, it binds his affection, which "is the greateſt bond between King and Subject, and that binds his Judge-"ment alſo, nay, his Honor, and that not at home but abroad; the Royal "Word of a King, is the Ground of all Treaty; nay, it binds his Conſci-
E "ence: this Confirmation between both Houſes, is in nature of a Vow; "for my part I think it is the greateſt advantage to relie on his Majeſties "Word. He further added, this Debate was fitter to be done before the "Houſe, and not before the Committee, and that it was a new Courſe to "go to a Committee of the whole Houſe.

Sir John Elliot.

F Whereunto it was replied by Sir *John Elliot*, That the proceeding in a Committee, is more Honorable and advantagious to the King, and the Houſe, for that way leads moſt to Truth; and it is a more open way, and where every man may adde his reaſon, and make anſwer upon the hearing of other mens Reaſons and Arguments.

This being the general Senſe, the Houſe was turned into a Committee, to take into conſideration what was delivered to the King by the Speaker, and what was delivered to them by the Lord Keeper, and all other Meſ-

An. 1628. sages, and the Committee was not to be bounded with any former order: the Key was brought up, and none were to go out without leave first asked.

Sir E. Cook. In the Debate of this business at the Committee, some were for letting the Bill rest: but Sir *Edward Cook*'s reasons prevailed to the contrary, "Was "it ever known (said he) that general words were a sufficient satisfaction to "particular grievances? was ever a verbal Declaration of the King *verbum* A "*Regni*? when grievances be, the Parliament is to redress them: Did ever "Parliament relie on Messages? they put up Petitions of their Grievances, "and the King ever answered them: the Kings Answer is very gracious, "but what is the Law of the Realm, that is the question. I put no diffidence "in his Majesty, the King must speak by a Record, and in Particulars, and "not in General: Did you ever know the Kings Message come into a Bill of "Subsidies? all succeeding Kings will say, Ye must trust me as well as you did "my Predecessors, and trust my Messages; but Messages of love never came B "into a Parliament. Let us put up a Petition of Right: Not that I distrust "the King, but that we cannot take his trust, but in a Parliamentary way.

On *Thursday* 8° *Maii*, the Petition of Right was finished, and the Clause of Martial Law was added unto it, and it was delivered to the Lords at a Conference for their Concurrence; the which Conference was managed by Sir *Edward Cook*, and the same day, as to the matter of supply, ordered that the two first Subsidies should be paid 10° of *July*, one more 12° of *October*, another on 20° of *Decemb.* and the last on 1° of *March*. C

AT the Conference Sir *Edward Cook* thus expressed himself: "My "Lords, it is evident what necessity there is, both in respect of your "selves and your Posterities, to have good success of this business: We "have acquainted your Lordships with the Reasons and Arguments, and af- "ter we have had some conference, we have received from your Lordships "Propositions, and it behoves me to give your Lordships some reasons, D "why you have not heard from us before now; for in the mean time as we "were consulting of this weighty Business, we have received divers Mes- "sages from our great Soveraign the King, and they consisted of five "Parts;

"1. That his Majesty would maintain all his Subjects in their just free- "dom, both of their Persons and Estates;

"2. That he will govern according to his Laws and Statutes;

"3. That we should find much confidence in the Royal Word, I pray E "observe that;

"4. That we shall enjoy all our Rights and Liberties, with as much free- "dom as ever any Subjects have done in former times;

"5. That whether we shall think it fit, either by Bill or otherwise, to "go on in this great Business, his Majesty would be pleased to give way to it.

"These gracious Messages did so work upon our affections, that we "have taken them into deep consideration. My Lords, when we had these "Messages (I deal plainly, for so I am commanded by the House of Com- F "mons) we did consider what way we might go for our more secure way, "nay yours; we did think it the safest way to go in a Parliamentary course, "for we have a Maxim in the House of Commons, and written on the "Walls of our House, That old ways are the safest and surest ways: And "at last we did fall upon that, which we did think, (if that your Lordships

did

4 *Caroli.*

"did consent with us) it is the most ancient way of all, and that is, my
"Lords, *via fausta*, both to Majesty, to your Lordships, and to our selves:
"for, my Lords, this is the greatest Bond that any Subject can have in open
"Parliament, *Verbum Regis*, this is an high point of Honor, but this shall
"be done by the Lords and Commons, and assented to by the King in Par-
"liament, this is the greatest Obligation of all, and this is for the Kings
"Honor, and our Safety: Therefore my Lords we have drawn a Form of a
A "Petition, desiring your Lordships to concur with us therein; for we do
"come with an unanimous consent of all the House of Commons, and
"there is great reason your Lordships should do so, for your Lordships be
"involved in the same danger. And so I have done with the first part: and
"I shall now desire your Lordships leave that I may read that which I have
"so agreed on.

Here the Petition of Right was read; but we forbear to insert it as yet, because there were propositions for alteration; and it is not perfect, till the
B Royal assent be given to it.

From the Eighth to the Twelfth of *May*, all Publique businesses were laid aside. On Monday the Twelfth the Lords had a Conference with the Commons, where the Lord Keeper made this Speech.

Gentlemen of the House of Commons,

Lord Keepers Speech, communicating a Letter from the King.

C "MY Lords having a most affectionate desire to maintain that good con-
"currence, that in this Parliament and others hath been of late between
"both Houses, desired this Conference, to acquaint you how, and in what maner
"they have proceeded in the Petition of Right that came from this House,
"and to let you know, that assoon as they received it, they with all care
"and expedition they possibly could, addressed themselves to consider there-
"of, and after good time spent in Debate in the whole House, they made
"a Committee to consider, whether retaining of the substance of the Pe-
"tition, there might not be some words altered or put in to make it more
D "sweet, to procure it a passable way to his Majesty; we know this must be
"Crowned by the King, and good must come to all the Kingdom by this
"course now taken. The Committee hath met, and hath propounded some
"small matters to be altered in some few words, to make it passable, and
"not in substance. And the Lords having this Reported from their Com-
"mittee, and heard it read in their House, resolved of nothing till they
"have your consent; yet they think it fitter to have it propounded to you,
"to consider whether there should be any alteration or no, and how the
E "propounded alterations may stand with your liking.

"Concerning the Commitment by the King and the Councel, without
"expressing the cause, it was resolved by the Lords to debate it this mor-
"ning, and assoon as they should have debated it, they purposed to have
"your concurrence with them before they resolved it; but at instant when
"they thought to have debated it, they received a Letter from his Majesty,
"which they conceive will give a satisfaction to both Houses in the main
"point. My Lords desiring to keep that good concurrence begun, desired
F "to communicate that Letter unto you, that you might take the same into
"your considerations, as they mean to do themselves: This Letter is to be
"read unto you.

An. 1628.

To the right Trusty and right well-beloved, the Lords Spiritual and Temporal of the higher House of Parliament.

Carolus Rex.

His Majesties Letter.

WE being desirous of nothing more then the advancement of the Peace and Prosperity of our People, have given leave to free Debate upon the highest Points of our Prerogative Royal, which in the time of our Predecessors, Kings and Queens of this Realm, were ever restrained as matters that they would not have discussed; and in other things we have been willing so far to descend to the desires of our good Subjects, as might fully satisfie all moderate mindes, and free them from all just fears and jealousies, which those Messages which we have heretofore sent into the Commons House, will well demonstrate unto the world; yet we finde it still insisted upon, that in no case whatsoever, should it never so nearly concern matters of State or Government, we or our Privy Council have power to commit any man without the cause shewed; whereas it often happens, that should the cause be shewed, the service it self would thereby be destroyed and defeated, and the cause alledged must be such as may be determined by our Judges of our Courts of Westminster, in a Legal and ordinary way of Justice, whereas the Causes may be such as those Judges have not capacity of Judicature, nor Rules of Law to direct and guide their Judgement in cases of that transcendent nature; which happning so often, the very incroaching on that constant Rule of Government for so many ages within this Kingdom practised, would soon dissolve the very Foundation and Frame of our Monarchy. Wherefore as to our Commons we made fair Propositions, which might equally preserve the just Liberty of the Subject: so, my Lords, we have thought good to let you know, that without the overthrow of Soveraignty we cannot suffer this Power to be impeached; notwithstanding, to clear our conscience and just intentions, this we publish, That it is not in our heart, nor will we ever extend our Royal Power lent unto us from God, beyond the just rule of Moderation, in any thing which shall be contrary to our Laws and Customs, wherein the safety of our People shall be our onely aim. And we do hereby Declare our Royal pleasure and resolution to be, which, God willing, we shall ever constantly continue and maintain, That neither we nor our Privy Council shall or will at any time hereafter commit or command to Prison, or otherwise restrain the persons of any for not lending Money to us, nor for any cause which in our conscience doth not concern the publique good and safety of us and our people, we will not be drawn to pretend any cause wherein our judgement and conscience is not satisfied with, base thoughts, we hope no man can imagine will fall into our Royal breast, and that in all cases of this nature, which shall hereafter happen, we shall upon the humble Petition of the party, or address of our Judges unto us, readily and really express the true cause of their Commitment or Restraint, so soon as with conveniency and safety the same is fit to be disclosed and expressed; and that in all Causes Criminal, of ordinary Jurisdiction, our Judges shall proceed to the Deliverance or Bailment of the Prisoner, according to the known and ordinary Rules of the Laws of this Land, and according to the Statute of Magna Charta, and those other Six Statutes insisted upon, which we do take knowledge stand in full force, and which we intend not to abrogate and weaken, against the true intention thereof. This we have thought fit to signifie, the rather to shorten any long Debate upon this great question,

4 Caroli.

queſtion, the ſeaſon of the year being ſo far advanced, and our great Occaſions of State not lending many more days for longer continuance of this Seſsion of Parliament.

Given under our Signet at our Palace at *Weſtminſter*, 20° *Maii* the Fourth year of our Reign.

A The ſame day the Kings Letter was communicated to the Houſe of Commons, they laid it aſide, and Sir *Thomas Wentworth* ſaid it was a Letter of Grace, but the people will onely like of that which is done in a Parliamentary way; beſides, the Debate of it would ſpend much time, neither was it directed to the Houſe of Commons; and the Petition of Right would clear all miſtakes: For (ſaid he) ſome give out, as if the Houſe went about to pinch the Kings Prerogative. But the further Debate of this matter took up ſeveral days.

B *May* 17. the Lords propounded at a Conference an Addition to be made to the Petition of Right, which was delivered by the Lord Keeper, to this purpoſe:

The Lords Propoſition at a Conference, about an addition to the Petition of Right.

C "THat whereas at the late Conference of both Houſes there were ſome "things propounded that came from their Lordſhips, out of a deſire "the Petition might have the eaſier paſſage with his Majeſty, not intending "to violate in any maner the ſubſtance of the Petition, but it was then "thought fit that there was another part of the Petition of as great im-"portance and weight: My Lords ſince the time of that Conference, "have imployed themſelves wholly to reduce the Petition to ſuch a "frame and order, that may give both to you and them hope of ac-"ceptance.

"And after many deliberations, and much advice taken, my Lords "have reſolved to repreſent to you ſomething which they have thought "upon, yet not as a thing concluſive to them or you; and according to "their deſires (having mentioned it in the beginning) have held it fit to

D "conclude of nothing till that you be made acquainted with it, and that "there may be a mature adviſement between you and them, ſo that there "may be the happier concluſion in all their buſineſs.

"This being the determination of the Lords, that nothing that is now "offered unto you ſhould be concluſive, yet they thought it convenient to "preſent it unto you.

"This alteration (and not alteration) but addition, which they ſhall pro-"pound unto you, to be adviſed and conferred upon, which is no breach

E "of the frame, they think it meet, if it ſhall ſtand with your liking, to "be put in the concluſion of the Petition, which I ſhall now read unto "you.

The Lords addition to the Petition of Right.

WE preſent this our humble Petition to your Majeſty, with the care not onely of preſerving our own Liberties, but with due regard to leave intire that Soveraign Power wherewith your Majeſty is truſted for the Protection, Safety, and Happineſs of the People.

F "This is the thing the Lords do preſent unto you, this ſub-"ject of this Conference concerning the adding of this in the concluſion "of the Petition, and that they know that this is new, and that you can-"not preſently give an anſwer to it; therefore they deſire that you do with

"ſome

An. 1628. some speed consider of it, and their Lordships will be ready this afternoon.

This Addition produced several Speeches.

Mr. Alford. "LEt us look (said he) into the Records, and see what they are, what is Soveraign Power? "*Bodin* saith, That it is free from any Condition, by "this we shall acknowledge a Regal as well as a Legal Power: Let us give "that to the King that the Law gives him, and no more. A

Mr. Pimme. "I Am not able to speak to this question, I know not what it is: All our "Petition is for the Laws of *England*, and this Power seems to be ano-"ther distinct Power from the Power of the Law: I know how to adde So-"veraign to his Person, but not to his Power: Also we cannot leave to him "Soveraign Power, we never were possessed of it. B

Mr. Hackwell. "WE cannot admit of those words with safety; they are applicable to "all the parts of our Petition: It is in the nature of a Saving, and "by it we shall imply, as if we had incroached on his Prerogative; all the "Laws we cite, are without a Saving, and yet now after the violation of "them, we must adde a Saving: Also I have seen divers Petitions, and where "the Subject claimed a Right, there I never saw a Saving of this nature.

Sir Ed. Cook "THis is *Magnum in parvo*, this is propounded to be a conclusion of our Pe-"tition: It is a matter of great weight; and to speak plainly, it will C "overthrow all our Petition; it trenches to all parts of it: It flies at "Loans, and at the Oath, and at Imprisonment, and Billeting of Soldi-"ers; this turns all about again. Look into all the Petitions of former "times, they never petitioned, wherein there was a saving of the Kings "Soveraignty: I know that Prerogative is part of the Law, but Sove-"raign Power is no Parliamentary word: In my opinion it weakens *Mag-"na Charta*, and all our Statutes; for they are absolute without any saving "of Soveraign Power: and shall we now adde it, we shall weaken the D "Foundation of Law, and then the building must needs fall; take we heed "what we yield unto, *Magna Charta* is such a fellow, that he will have no "Soveraign: I wonder this Soveraign was not in *Magna Charta*, or in the "Confirmations of it: If we grant this, by implication we give a Soveraign "Power above all these Laws: Power in Law, is taken for a Power with "force: The Sheriff shall take the Power of the County, what it means "here, God onely knows: It is repugnant to our Petition, that is a Peti-"tion of Right, grounded on Acts of Parliament: our Predecessors could E "never indure a *Salvo jure suo*, no more then the Kings of old could in-"dure for the Church, *Salvo honore Dei & Ecclesiæ*: We must not admit of "it, and to qualifie it is impossible: Let us hold our Priviledges accord-"ing to the Law; that Power that is above this, it is not fit for the King "and people to have it disputed further, I had rather for my part "have the Prerogative acted, and I my self to lie under it, then to have "it disputed.

Sir Thomas Wentworth "IF we do admit of this Addition, we shall leave the Subject worse then F "we found him, and we shall have little thanks for our labor when we "come home: let us leave all power to his Majesty, to punish Malefactors: "but these Laws are not acquainted with Soveraign Power, we desire no new "thing,

4 *Caroli.*

"thing, nor do we offer to trench on his Majesties Prerogative, we may "not recede from this Petition, either in part, or in whole.

Mr. Noy.

"TO adde a Saving is not safe, doubtful words may beget an ill construction, and the words are not onely doubtful words, but words unknown "to us, and never used in any Act or Petition before.

Mr. Selden.

A "LEt us not go too hastily to the question, said Mr. *Selden*: If there be "any Objections, let any propound them, and let others answer them as "they think good: If it hath no reference to our Petition, what doth it "here? I am sure all others will say it hath reference, and so must we: how "far it doth exceed all examples of former times, no man can shew me the "like: I have made that search that fully satisfies me, and I finde not ano-"ther besides 28 of *Eliz.* We have a great many Petitions, and Bills of "Parliament in all ages, in all which we are sure no such thing is added:
B "That Clause of the 28 of *Edw.* 1. it was not in the Petition, but in the "Kings Answer.

"In *Magna Charta* there were no such Clauses, the Articles themselves "are to be seen in a Library at *Lambeth*, in a Book of that time, upon "which the Law was made. There was none in the Articles in King *Johns* "time, for these I have seen, there is no Saving. In the Statutes of *Con-*"*firmatio Chartarum*, is a Saving *les auncients Aids*, that is, for *filo marier, &* "*pur faire fits Chivalier*, and for ransom: and in the Articles of King *John*,
C "in the Original Charter, which I can shew, there those three Aids were "named therein, and they were all known: In the 25. of *Edw.* 3. there is "a Petition against Loans, there is no Saving, and so in others: As for "that Addition in the 28. of *Edw.* 1. do but observe the Petitions after *Mag-*"*na Charta*, as 5 *Edw.* 3. they put up a Petition, whereas in *Magna Char-*"*ta* it is contained, That none be imprisoned, but by due process of Law; "those words are not in *Magna Charta*, and yet there is no Saving; and so "in the 28. of *Edw.* 3. & 36. & 37. & 42. of *Edw.* 3. all which pass by
D "Petition, and yet there is no Saving in them: And there are in them other "words then are in *Magna Charta*, and yet no Saving.

"For that that Mr. Speaker said, The King was our heart, and ever shall "be, but we then speak of the Kings Prerogative by it self, and we are "bound to say so: But speaking of our Rights, shall we say we are not to "be imprisoned, Saving by the Kings Soveraign Power? Say my Lands "(without any Title) be seised in the Kings hand, and I bring a Petition of "Right, and I go to the King and say, I do by no means seek your Maje-
E "sties Right and Title, and after that I bring a Petition or *Monstrance de* "*droit*, setting forth my own Right and Title, and withal set down a Sa-"ving, that I leave intire his Majesties Right, it would be improper. It "was objected, That in the 28. of *Edw.* 1. in the end of *Articuli super Char-*"*tas*, which was a confirmation of *Magna Charta*, and *Charta de foresta*, in "the end there is a Clause, *Sauvant le droit de Seigniory*, the words are ex-"tant in that Roll that is now extant, but the original Roll is not extant.

"In the 25th *E.* 3. there was a confirmation of the Charter in 27 *E.* 3.
F "The Parliament was called, and much stir there was about the Charter, and "renewing the Articles, but then little was done. In 28 *E.* 1. the Commons "by Petition or Bill did obtain the Liberties and Articles at the end of the "Parliament, they were extracted out of the Roll, and Proclaimed abroad; "the addition was added in the Proclamation: the Bill there was no *savan*, "but afterwards it was put in: And to prove this, it is true, there is no Par-

liament

An. 1628.

" liament Roll of that year, yet we have Hiſtories of that time: In the Li-
" brary at *Oxford* there is a Journal of a Parliament of that very year, which
" mentions ſo much; alſo in the publique Library at *Cambridge* there is a Ma-
" nuſcript that belonged to an Abby, it was of the ſame year 28 *E.* 1. and it
" mentions the Parliament and the Petitions, and *Articulos quos petierunt ſic*
" *confirmaverit Rex ut in fine adderet, Salvo jure Coronæ regis*, and they came
" by Proclamation in *London*; when the people heard this clauſe added in
" the end, they fell into execration for that addition; and the great Earls A
" that went away ſatisfied from the Parliament, hearing of this, went to the
" King, and after it was cleared at the next Parliament. Now there is no
" Parliament Roll of this, of that time onely in one Roll in the end of *E.* 3.
" there is a Roll that recites it.

The Lords afterwards at a Conference tendred Reaſons to fortifie their addition: which were briefly reported; That the Lord Keeper ſaid,

" THat the Lords were all agreed to defend and maintain the juſt Liber- B
" ties of the Subject, and of the Crown, and that the word (Leave)
" was debated amongſt them; and thereby they meant to give no new,
" but what was before: for the words, *Soveraign Power*, as he is a King, he
" is a Soveraign, and muſt have Power; and he ſaid the words were eaſier
" then the *Prerogative*: As for the word (that) which is a relative, and
" referred to *that Power* that is for the ſafety of the People; and this, ſaid
" he, can never grieve any man, being thus publiſhed, it is not Soveraign
" Power in general; but now in confutation of our Reaſons, he ſaith, *Mag-* C
" *na Charta* was not with a Saving; but ſaid he, You purſue not the words
" in *Magna Charta*, and therefore it needs an addition.
" As for the 28 of *E.* 3. he ſaid there was a Saving, and an ill expo-
" ſition cannot be made of this, and both Houſes have agreed it in ſub-
" ſtance already; the Commons did it in a Speech delivered by our Speak-
" er, and that we ſaid we have not a thought to incroach on the Kings
" Soveraignty; and why may ye not add it in your Petition?

Upon this Report Mr. *Maſon* readily ſpake his opinion in maner following. D

" IN our Petition of Right to the Kings Majeſty, we mentioned the
" Laws and Statutes, by which it appeared, That no Tax, Loan, or the
" like, ought to be Levied by the King, but by common aſſent in Par-
" liament: That no Freeman ought to be impriſoned but by the Law of
" the Land: That no Freeman ought to be compelled to ſuffer ſoldiers in E
" his houſe. In the Petition we have expreſſed the breach of theſe Laws,
" and deſire we may not ſuffer the like, all which we pray as our Rights and
" Liberties.
" The Lords have propoſed an addition to this Petition, in theſe words.

We humbly preſent this Petition to your Majeſty, not onely with a care of our own Liberties, but with a due regard to leave intire that Soveraign Power wherewith your Majeſty is intruſted, for the Protection, Safety and Happineſs of your People. F

" And whether we ſhall conſent unto this addition, is the ſubject of this days
" diſcourſe: and becauſe my Lord Keeper at the conference declared their
" Lordſhips had taken the words of the Petition apart, I ſhall do ſo too.
" The word (Leave) in a Petition, is of the ſame nature as (Saving) in a
" Grant or Act of Parliament, when a man grants but part of a thing, he
ſaves

4 *Caroli.*

" ſaves the reſt; when he petitions to be reſtored but to part, he leaveth
" the reſt: Then in the end of our Petition the word (Leave) will imply,
" that ſomething is to be left of that, or at leaſt with a reference to what
" we deſire.

" The word (Intire) is very conſiderable, a Conqueror is bound by no
" Law, but hath power *dare Leges*, his Will is a Law; and although *Wil-*
" *liam* the Conqueror, at firſt, to make his way to the Crown of *England*
A " the more eaſie, and the poſſeſſion of it more ſure, claimed it by Title; but
" afterward when there were no powerful pretenders to the Crown, the title
" of Conqueſt (to introduce that abſolute Power of a Conqueror) was
" claimed, and that Statute of *Magna Charta*, and other Statutes mentioned
" in our Petition, do principally limit that Power. I hope it is as lawful for
" me to cite a Jeſuit, as it is for Doctor *Mainwaring* to falſifie him; *Suares*,
" in his firſt Book *de Legibus*, Cap. 17. delivered his opinion in theſe words:
" *Amplitudo & reſtrictio poteſtatis Regum circa ea quæ per ſe mala vel in-*
B " *juſta non ſunt, pendet ex arbitrio hominum & ex ambigua conventione vel*
" *pacto inter reges & regnum.* And he further expreſſeth his opinion, that
" the King of *Spain* was ſo abſolute a Monarch, that he might impoſe Tri-
" bute without conſent of his people, until about Two hundred years ſince,
" when it was concluded between him and his people, that without conſent
" of his people by Proxies he ſhould not impoſe any Tribute. And *Suares*
" opinion is, That by that agreement, the Kings of *Spain* are bound to im-
" poſe no Tribute without conſent.

C " And this Agreement that Author calls a reſtraining of that Soveraign
" Power, the Statutes then mentioned in our Petition reſtraining that ab-
" ſolute Power of Conqueror; if we recite thoſe Statutes, and ſay we leave
" the Soveraign Power intire, we do take away that reſtraint which is the
" vertue and ſtrength of thoſe Statutes, and ſet at liberty the claim of the
" Soveraign Power of a Conqueror, which is to be limited and reſtrained by
" no Laws: This may be the danger of the word (Intire.)

" The next word delivered by the Lords as obſerveable, is the particle
D " (That) becauſe it was ſaid, That all Soveraign Power is not mentioned to
" be left, but onely (that) with which the King is truſted for our Protection,
" Safety and Happineſs: But I conceive this to be an exception of all Sove-
" raign Power; for all Soveraign Power in a King, is for the Protection,
" Safety and Happineſs of his People: If all Soveraign Power be excepted,
" you may eaſily judge the conſequence, all Loans and Taxes being impoſed
" by colour of that Soveraign Power.

" The next word is (Truſted) which is very ambiguous, whether it be
E " meant truſted by God onely as a Conqueror, or by the people alſo as
" King, which are to govern alſo according to Laws *ex pacto*. In this
" point I will not preſume to adventure further, onely I like it not, by rea-
" ſon of the doubtful Expoſition it admits. I have likewiſe conſidered the
" Propoſition it ſelf, and therein I have fallen upon the Dilemma, that this
" addition ſhall be conſtrued either to refer unto the Petition, or not: if it
" do refer unto the Petition, it is meerly uſeleſs and unneceſſary, and unbe-
F " fitting the judgement of this grave and great Aſſembly to add to a Peti-
" tion of this weight. If it hath reference unto it, then it deſtroys not
" onely the virtue and ſtrength of our Petition of Right, but our Rights
" themſelves; for the addition being referred to each part of the Petition,
" will neceſſarily receive this conſtruction: That none ought to be compel-
" led to make any Gift, Loan, or ſuch like charge, without common conſent
" or Act of Parliament, unleſs it be by the Soveraign Power, with which

An. 1628.

"the King is trusted for the Protection, Safety and Happiness of his "People.

"That none ought to be compelled to sojourn or billet Soldiers, unless "by the same Soveraign Power, and so of the rest of the Rights contained "in the Petition: And then the most favorable construction will be, that "the King hath an ordinary Prerogative, and by that he cannot impose "Taxes or Imprison, that is, he cannot impose Taxes at his will, to im- A "ploy them as he pleaseth, but that he hath an extraordinary and tran- "scendent Soveraign Power for the protection and happiness of his people, "and for such purpose he may impose Taxes, or billet Soldiers, as he pleas- "eth; and we may assure our selves, that hereafter all Loans, Taxes and "Billeting of Soldiers, will be said to be for the Protection, Safety and Hap- "piness of the People: Certainly hereafter it will be conceived, that an "House of Parliament would not have made an unnecessary addition to this "Petition of Right, and therefore it will be resolved, that the Addition B "hath relation to the Petition, which will have such operation as I have "formerly declared, and I the rather fear it, because the late Loan and Bil- "leting have been declared to have been by Soveraign Power for the good "of our selves; and if it be doubtful whether this Proposition hath refe- "rence to the Petition or not, I know not who shall judge whether Loans "or Imprisonments hereafter be by that Soveraign Power or not?

"A Parliament, which is made a Body of several Writs, and may be dis- "solved by one Commission, cannot be certain to decide this question. "We cannot resolve that, that the Judges shall determine the words of the C "Kings Letter read in this House, expressing the cause of Commitment, "may be such, that the Judges have not capacity of Judicature, no Rules "of Law to direct and guide their judgements in Cases of that transcen- "dent nature, the Judges then and the Judgements are easily conjectured; "it hath been confessed by the Kings Council, that the Statute of *Magna* "*Charta* bindes the King, it bindes his Soveraign Power; and here is an "Addition of Saving the Kings Soveraign Power: I shall endeavor to give "some Answer to the Reasons given by the Lords. D

"The first is, That it is the intention of both Houses, to maintain the "Just Liberty of the Subject, and not to diminish the just Power of the "King; and therefore the expression of that intention in this Petition, "cannot prejudice us. To which I answer,

"First, That our intention was, and is, as we then professed, and no man "can assign any particular in which we have done to the contrary; neither "have we any way transgressed in that kinde in this Petition: and if we E "make this addition to the Petition, it would give some intimation that we "have given cause or colour of offence therein, which we deny, and which if "any man conceive so, let him assign the particular, that we may give an- "swer thereunto.

"By our Petition we onely desire our particular Rights and Liberties to "be confirmed to us, and therefore it is not proper for us in it to mention "Soveraign Power in general, being altogether impertinent to the matter "in the Petition.

"There is a great difference between the words of the Addition, and F "the words proposed therein, for reason, viz. between just Power which "may be conceived to be limited by Laws, and Soveraign Power, which is "supposed to be transcendent and boundless.

"The second Reason delivered by their Lordships was, That the King is "Soveraign; That as he is Soveraign, he hath power, and that *that* Soveraign

4 Caroli.

"Soveraign Power is to be left: for my part, I would leave it, so as not to "mention it; but if it should be expressed to be left in this Petition, as it is "proposed, it must admit something to be left in the King of what we pray, "or at least admit some Sovergain Power in his Majesty, in these Priviledges "which we claim to be our Right, which would frustrate our Petition and "destroy our Right, as I have formerly shewed.

"The third Reason given from this Addition was, That in the Statute A "of *Articuli super Chartas*, there is a Saving of the *Seigniory* of the Crown.

"To which I give these Answers, That *Magna Charta* was confirmed "above thirty times, and a general Saving was in none of these Acts of "Confirmation, but in this onely; and I see no cause we should follow one "ill, and not thirty good Precedents, and the rather because that Saving "produced ill effects that are well known.

"That Saving was by Act of Parliament; the conclusion of which Act "is, that in all those Cases the King did well, and all those that were at B "the making of that Ordinance did intend, that the right and *Seigniory* of "the Crown should be saved: By which it appears that the saving was not "in the Petition of the Commons, but added by the King; for in the Peti-"tion the Kings will is not expressed.

"In that Act the King did grant and depart with to his People, divers "Rights belonging to his Prerogative, as in the first Chapter he granted, "That the People might choose three men which might have Power to hear "and determine Complaints, made against those that offended in any point C "of *Magna Charta*, though they were the Kings Officers, and to Fine and "Ransome them: and in the 8. 12. and 19. Chapter of that Statute, the "King departed with other Prerogatives; and therefore there might be some "reason of the adding of, that Soveraign, by the Kings Councel: But in this "Petition we desire nothing of the Kings Prerogative, but pray the en-"joying of our proper and undoubted Rights and Priviledges; and there-"fore there is no cause to adde any words which may imply a Saving of that "which concerns not the matter in the Petition.

D "The fourth Reason given by their Lordships was, That by the mouth "of our Speaker we have this Parliament declared, That it was far from "our intention to incroach upon his Majesties Prerogative, and that there-"fore it could not prejudice us, to mention the same resolution in an Additi-"on to this Petition.

"To which I Answer, That that Declaration was a general Answer to a "Message from his Majesty to us, by which his Majesty expressed, That "he would not have his Prerogative straitned by any new Explanation of "*Magna Charta*, or the rest of the Statutes: and therefore that expression E "of our Speakers was then proper, to make it have reference to this Peti-"tion, there being nothing therein contained but particular Rights of the "Subject, and nothing at all concerning his Majesties Prerogative.

"Secondly, That Answer was to give his Majesty satisfaction of all our "proceedings in general; and no man can assign any particular, in which we "have broken it; and this Petition justifies it self, that in it we have not of-"fended against the Protestation: and I know no reason but that this Decla-F "ration should be added to all our Laws we shall agree on this Parliament, as "well as to this Petition.

"The last Reason given was, That we have varied in our Petition from "the words of *Magna Charta*; and therefore it was well necessary, that a Sa-"ving should be added to the Petition.

"I Answer, That in the Statute 5 *E.* 3. 25 *E.* 3. 28 *E.* 3. and other Statutes,

An. 1628.

"Statutes, with which *Magna Charta* is confirmed: the words of the Statute of Explanations, differ from the words of *Magna Charta* in this, the "words of some of the Statutes of Explanation being, that no man ought "to be apprehended, arrested by Indictment, or due proofs of Law; and "the other Statutes differing from the words of *Magna Charta*, in many "other particulars, and yet there is no Saving in those Statutes, much less "should there be any in a Petition of Right. These are the Answers I have "conceived to the Reasons of their Lordships, and the Exposition I appre- A "hend must be made of the proposed words, being added to our Petition. "And therefore I conclude that in my opinion we may not consent to this "Addition, which I submit to better Judgements.

The Commons afterwards appointed Mr. *Glanvile*, and Sir *Henry Martin*, to manage another Conference to be had with the Lords, concerning the said matter, and to clear the Sense of the Commons in that point: the one argued the Legal, the other the Rational part, and though the matter deli- B vered by the length of it may seem tedious to the Reader, and some matters spoken of before repeated again, yet if the Reader observe the Language and Stile, as well as the subject Matter, perhaps it will be no penance unto him.

Mr. Glanviles *Speech in a full Committee of both Houses of Parliament* 27. May, 1628. *in the Painted Chamber at* Westminster. C

Mr. Glanviles Speech at a Committee of both Houses concerning Soveraign Power.

"MY Lords, I have in charge from the Commons House of Parliament, "(whereof I am a Member) to express this day before your Lordships "some part of their clear sense, touching one point that hath occurred in the "great Debate, which hath so long depended in both Houses. D

"I shall not need many words to induce or state the question, which I am "to handle in this free Conference. The subject matter of our meeting is "well known to your Lordships, I will therefore onely look so far back upon "it, and so far recollect summarily the proceedings it hath had, as may be "requisite to present clearly to your Lordships considerations, the nature "and consequence of that particular wherein I must insist.

"Your Lords may be pleased to remember, how that the Commons in E "this Parliament have framed a Petition to be presented to his Majesty; a "Petition of Right rightly composed, relating nothing but truth, desiring "nothing but Justice, a Petition justly constituted, a Petition necessary "and fit for these times, a Petition founded upon solid and substantial "grounds, the Laws and Statutes of this Realm, sure Rocks to build up- "on; a Petition bounded within due limits, and directed upon right ends, "to vindicate some lawful and just Liberties of the free Subjects of this King- "dom, from the prejudice of violations past, and to secure them from fu- "ture encroachments. F

"And the ensuing discourse must reflect chiefly, if not wholly, "upon the matter of this Petition: I shall here crave leave shortly to open "to your Lordships the distinct parts whereof it doth consist, and those "are four.

"The first concerns Levies of Moneys, by way of Loans or otherwise, "for his Majesties supply, Declaring that no man ought, and praying that

no

4 Caroli.

" no man hereafter be compelled to make or yield any Gift, Loan, Bene-
" volence, Tax, or such like Charge, without common consent by Act of
" Parliament.

" 3. The second is concerning that Liberty of Person, which rightful-
" ly belongs to the Free Subjects of this Realm, expressing it to be against
" the tenure of the Laws and Statutes of the Land, that any Freeman
" should be imprisoned without cause shewed; and then reciting how this
A " Liberty amongst others hath lately been infringed, it concludeth with
" a just and necessary desire for the better clearing and allowance of this
" priviledge for the future.

" 3. The third declareth the unlawfulness of billeting or placing Soldi-
" ers or Mariners to sojourn in Free Subjects houses against their wills,
" and prayeth remedy against that grievance.

" 4. The fourth and last aimeth at redress touching Commissions, to
" proceed to the Tryal and Condemnation of Offenders, and causing them
" to be executed and put to death by the Law Marshal, in times and places,
B " when and where, if by the Laws and Statutes of the Land they had de-
" served death, by the same Laws and Statutes also they might, and by
" none other ought to be adjudged and executed.

" This Petition the careful House of Commons, not willing to omit any
" thing pertaining to their duties, or that might advance their moderate
" and just ends, did heretofore offer up unto your Lordships consideration,
" accompanied with an humble desire, That in your Nobleness and Justice
" you would be pleased to joyn with them in presenting it to his Majesty,
C " that so coming from the whole Body of the Realm, the Peers and Peo-
" ple, to him that is the Head of both, our Gracious Soveraign, who must
" crown the Work, or else all our labour is in vain; it might by your
" Lordships concurrence and assistance finde the more easie passage, and
" obtain the better answer.

" Your Lordships, as your maner is in cases of so great importance, were
" pleased to debate and weigh it well, and thereupon you propounded to
" us some few amendments (as you termed them) by way of alteration, al-
D " ledging that they were onely in matters of form, and not of substance;
" and that they were intended to none other end but to sweeten the Peti-
" tion, and make it the more passable with his Majesty.

" In this the House of Commons cannot but observe that fair and good
" respect which your Lordships have used in your proceedings with them,
" by your concluding or Voting nothing in your House, until you had im-
" parted it unto them, whereby our meetings about this business have been
" justly stiled Free Conferences, either party repairing hither disingaged
E " to hear and weigh the others Reasons, and both Houses coming with a
" full intention upon due consideration of all that can be said on either side,
" to joyn at last in resolving and acting that which shall be found most just
" and necessary for the honor and safety of his Majesty and the whole
" Kingdom.

" And touching those propounded alterations, which were not many,
" your Lordships cannot but remember that the House of Commons have
" yielded to an accommodation, or change of their Petition in two parti-
F " culars, whereby they hope your Lordships have observed as well as ye
" may, they have not been affected unto words or phrases, nor over-much
" abounding in their own sense, but rather willing to comply with your
" Lordships in all indifferent things.

" For the rest of your proposed amendments, if we do not mis-conceive
your

An. 1628.

"your Lordships, as we are confident we do not, your Lordships of your "selves have been pleased to relinquish them with a new overture, for one "onely Clause to be added in the end or foot of the Petition, whereby the "work of this day is reduced to one simple head, whether that Clause shall "be received or not?

"This yielding of the Commons in part unto your Lordships, of other "points by you somewhat insisted upon, giveth us great assurance that our "ends are one, and putteth us in hope, that in conclusion we shall A
"concur, and proceed unanimously to seek the same ends by the same "means.

"The clause propounded by your Lordships to be added to the Petition "is this.

We humbly present this Petition to your Majesty, not onely with a care for preservation of our Liberties, but with a due regard to leave intire that Soveraign Power wherewith your Majesty is trusted for the Protection, Safety and Happiness of your People. B

"A clause specious in shew, and smooth in words, but in effect and con-"sequence most dangerous, as I hope to make most evident; however "coming from your Lordships, the House of Commons took it into their "considerations, as became them, and apprehending upon the first Debate, "that it threatned ruine to the whole Petition, they did heretofore deli-"ver some Reasons to your Lordships, for which they then desired to be C
"spared from admitting it.

"To these Reasons your Lordships offered some Answers at the last "meeting; which having been faithfully reported to our House, and there "debated, as was requisite for a business of such weight and importance, I "must say truly to your Lordships, yet with due reverence to your opini-"ons, the Commons are not satisfied with your Arguments; and there-"fore they have commanded me to recollect your Lordships Reasons for "this Clause, and in a fair Reply to let you see the causes why they differ D
"from you in opinion.

"But before I come to handle the particulars wherein we dissent from "your Lordships, I will in the first place take notice yet a little further of "that general wherein we all concur, which is, That we desire not (nei-"ther do your Lordships) to augment or dilate the Liberties and Priviledges "of the Subjects beyond the just and due Bounds, nor to incroach upon "the Limits of his Majesties Prerogative Royal; and as in this your Lord-"ships at the last meeting expressed clearly your own senses, so were your "Lordships not mistaken in collecting the concurrent sense and meaning of E
"the House of Commons; they often have protested they do, and ever "must protest, that these have been and shall be the Bounds of their de-"sires, to demand and seek nothing but that which may be fit for dutiful "and loyal Subjects to ask, and for a gracious and just King to grant; for "as they claim by Laws some Liberties for themselves, so do they acknow-"ledge a Prerogative, a high and just Prerogative belonging to the King, "which they intend not to diminish. And now my Lords, being assured, F
"not by strained inferences, or obscure collections, but by the expres and "clear Declarations of both Houses, that our ends are the same; it were "a miserable unhappiness if we should fail in finding out the means to ac-"complish our desires.

My

4 Caroli.

"My Lords, the Heads of thoſe particular Reaſons which you inſiſted upon the laſt day where onely theſe:

"1. Firſt you told us that the word (Leave) was of ſuch nature, that it could give no new thing to his Majeſty.

"2. That no juſt exception could be taken to the words (Soveraign Power) for that as his Majeſty is a King, ſo he is a Soveraign, and as he is a Soveraign, ſo he hath Power.

A "3. That the Soveraign Power mentioned in this Clauſe, is not abſolute or indefinite, but limited and regulated by the particle (That) and the word (Subſequent) which reſtrains it to be applied onely for Protection, Safety, and Happineſs of the People, whereby ye inferred, there could be no danger in the allowance of ſuch power.

"4. That this Clauſe contained no more in ſubſtance, but the like expreſſions of our meanings in this Petition, which we had formerly ſignified unto his Majeſty by the mouth of Mr. Speaker, that we no way intended to

B incroach upon his Majeſties Soveraign Power or Prerogative.

"5. That in our Petition we have uſed other words, and of larger extent touching our Liberties, then are contained in the Statutes whereon it is grounded: In reſpect of which inlargement, it was fit to have ſome expreſs, or implied Saving, or Narrative, Declaratory for the Kings Soveraign Power, of which Narrative ye alledge this Clauſe to be.

"6. Laſtly, whereas the Commons, as a main Argument againſt the Clauſe, had much inſiſted upon this, that it was unprecedented, and un-

C parliamentary in a Petition from the Subjects, to inſert a Saving for the Crown: your Lordſhips brought for inſtance to the contrary the two Statutes of the 25 E. 1. commonly called, *Confirmatio Chartarum*, and 28 E. 1. known by this name of *Articuli ſuper Chartas*, in both which Statutes there are Savings for the Kings.

"Having thus reduced to your Lordſhips memories, the effects of your own reaſons; I will now with your Lordſhips favor come to the points of our Reply, wherein I moſt humbly beſeech your Lordſhips to weigh the Rea-

D ſons which I ſhall preſent, not as the ſenſe of my ſelf, the weakeſt Member of our Houſe, but as the genuine and true ſenſe of the whole Houſe of Commons, conceived in a buſineſs there debated with the greateſt gravity and ſolemnity, with the greateſt concurrence of opinions, and unanimity that ever was in any buſineſs maturely agitated in that Houſe. I ſhall not peradventure follow the Method of your Lordſhips recollected Reaſons in my anſwering to them, nor labor to urge many reaſons: It

E is the deſire of the Commons, that the weight of their Arguments ſhould recompenſe (if need be) the ſmalneſs of their number. And in concluſion, when you have heard me through, I hope your Lordſhips ſhall be enabled to collect clearly out of the frame of what I ſhall deliver, that in ſome part or other of my diſcourſe there is a full and ſatisfactory anſwer, given to every particular reaſon or objection of your Lordſhips.

"The Reaſons that are now appointed to be preſented to your Lordſhips are of two kinds, Legal and Rational, of which theſe of the former ſort are allotted to my charge, and the firſt of them is thus.

F "The Clauſe now under queſtion if it be added to the Petition, then either it muſt refer, or relate unto it, or elſe not, if it have no ſuch reference, is it not clear that it is needleſs and ſuperfluous? and if it have ſuch reference, is it not clear that then it muſt needs have an operation upon the whole Petition, and upon all the parts of it?

"We cannot think that your Lordſhips would offer us a vain thing, and

"there-

An. 1628.

"therefore taking it for granted, that if it be added it would refer to the "Petition: let me beseech your Lordships to observe with me, and with "the House of Commons, what alteration and qualification of the same it "will introduce.

"The Petition of it self, simply and without this Clause, declareth absolutely the Rights and Priviledges of the Subject, in divers points; and "amongst the rest touching the Levies of monies, by way of Loans or "otherwise for his Majesties supply, That such Loans and other charges "of the like nature, by the Laws and Statutes of this Land, ought not to "be made or laid without common consent by Act of Parliament: But "admit this Clause to be annexed with reference (to the Petition) and it "must necessarily conclude and have this Exposition, That Loans and the "like Charges (true it is ordinarily) are against the Laws and Statutes of "the Realm, *unless they be warranted by Soveraign Power*, and that they can- "not be commanded or raised without assent of Parliament, *unless it be by* "*Soveraign Power*; what were this but to admit a Soveraign Power in the "King above the Laws and Statutes of the Kingdome?

"Another part of this Petition is, That the free Subjects of this Realm "ought not to be imprisoned without cause shewed: But by this Clause "a Soveraign Power will be admitted, and left intire to his Majesty, suffi- "cient to control the force of Law, and to bring in this new and dangerous "Interpretation, That the free Subjects of this Realm ought not by Law "to be imprisoned without cause shewed, *unless it be by Soveraign* "*Power*.

"In a word, this Clause, if it should be admitted, would take away the "effect of every part of the Petition, and become destructive to the whole: "for thence will be the Exposition touching the Billeting of Soldiers and "Mariners in free mens houses against their wills; and thence will be the "Exposition touching the Times and Places for execution of the Law Mar- "shal, contrary to the Laws and Statutes of the Realm.

"The scope of this Petition, as I have before observed, is not to amend "our Case, but to restore us to the same state we were in before; whereas, "if this Clause be received, in stead of mending the condition of the poor "Subjects, whose Liberties of late have been miserably violated by some "Ministers, we shall leave them worse then we found them; in stead of curing "their wounds, we shall make them deeper. We have set bounds to our "desires in this great Business, whereof one is not to diminish the Prero- "gative of the King, by mounting too high; and if we bound our selves on "the other side with this limit, not to abridge the lawful Priviledges of the "Subject, by descending beneath that which is meet, no man we hope "can blame us.

"My Lords, as there is mention made in the additional *Clause of Sove-* "*raign Power*, so is there likewise of a trust reposed in his Majesty, touch- "ing the use of Soveraign Power.

"The word Trust is of great Latitude, and large extent, and therefore "ought to be well and warily applied and restrained, especially in the "Case of a King. There is a trust inseparably reposed in the Persons of the "Kings of *England*, but that trust is regulated by Law; for example, when "Statutes are made to prohibite things not *mala in se*, but onely *mala quia* "*prohibita*, under certain forfeitures and penalties, to accrue to the King "and to the Informers, that shall sue for the breach of them: The Com- "mons must and ever will acknowledge a Regal and Soveraign Prerogative "in the King, touching such Statutes, that it is in his Majesties absolute and undoubted

4. Caroli.

"undoubted Power, to grant Dispensations to particular persons, with the
"Clauses of *Non obstante*, to do as they might have done before those Sta-
"tutes, wherein his Majesty conferring grace and favour upon some, doth
"not do wrong to others; but there is a difference between those Statutes,
"and the Laws and Statutes whereon the Petition is grounded: by those
"Statutes the Subject hath no interest in the penalties, which are all the
"fruit such Statutes can produce, until by Suit or Information commenced,
A "he become intituled to the particular forfeitures; whereas the Laws and
"Statutes mentioned in our Petition are of another nature; there shall
"your Lordships finde us to rely upon the good old Statute, cal-
"led *Magna Charta*, which declareth and confirmeth the anci-
"ent Common Laws of the Liberties of *England*. There shall
"your Lordships also finde us also to insist upon divers other
"most material Statutes made in the time of King *E.* 4. and *E.* 3. and
"other famous Kings, for explanation and ratification of the Lawful Rights
"and Priviledges belonging to the Subjects of this Realm, Laws not in-
B "flicting Penalties upon Offenders, *in malis prohibitis*, but Laws declara-
"tive or positive, conferring or confirming *ipso facto*, an inherent Right and
"Interest of Liberty and Freedom in the Subjects of this Realm, as
"their Birthrights and Inheritance descendable to their Heirs and Posterity;
"Statutes incorporate into the Body of the Common Law, over which
"(with reverence be it spoken) there is no Trust reposed in the Kings *So-*
"*veraign Power or Prerogative Royal* to enable him to dispense with them,
C "or to take from his Subjects that Birthright or Inheritance which they
"have in their Liberties by vertue of the Common Law, and of these
"Statutes.

"But if this Clause be added to our Petition, we shall then make a dan-
"gerous overture to confound this good destination touching what Statutes
"the King is trusted to controll by dispensations, and what not; and shall
"give an intimation to posterity, as if it were the opinion both of the
"Lords and Commons assembled in this Parliament, that there is a Trust
D "reposed in the King, to lay aside by his *Soveraign Power* in some emer-
"gent cases, as well of the Common Law, and such Statutes as declare or
"ratifie the Subjects Liberty, or confer Interest upon their persons, as
"those other Penal Statutes of such nature as I have mentioned before;
"which as we can by no means admit; so we believe assuredly, that it is
"far from the desire of our most Gracious Soveraign, to affect so vast a
"Trust, which being transmitted to a Successor of a different temper, might
"enable him to alter the whole frame and fabrick of the Commonwealth;
E "and to dissolve that Government whereby his Kingdom hath flourished
"for so many years and ages under his Majesties most Royal Ancestors
"and predecessors.

Our next Reason is, That we hold it contrary to all course of Par-
"liament, and absolutely repugnant to the very nature of a Petition of
"Right consisting of particulars, as ours doth, so to clog it with a
"general *Saving* or Declaration to the weakning of the Right de-
"manded; and we are bold to renew with some confidence our Allegati-
F "on, that there can be no Precedent shewed of any such Clause in any such
"Petitions in times past.

"I shall insist the longer upon this particular, and labour the more care-
"fully to clear it, because your Lordships were pleased the last day to urge
"against us the Statutes of 25 and 28 of *E.* 3. as arguments to prove the
"contrary; and seemed not to be satisfied with that which in this point we

An. 1628.

" had affirmed. True it is, that in those Statutes there are such *Savings* as " your Lordships have observed; but I shall offer you a clear Answer to " them, and to all other *Savings* of like nature that can be found in any " Statutes whatsoever.

" First in the general, and then I shall apply particular Answers to the " particulars of those two Statutes, whereby it will be most evident, that " those examples can no ways suite with the matter now in hand. To this " end it will be necessary that we consider duely what that question is, A " which indeed concerneth a Petition, and not an Act of Parliament: This " being well observed, by shewing unto your Lordships the difference be- " tween a Petition for the Law, and the Law ordained upon such a Petiti- " on, and opening truly and perspicuously the course that was holden in " framing of Statutes before 2 *H.* 5. different from that which ever since " then hath been used, and is still in use amongst us, and by noting the " times wherein these Statutes were made, which was about one hundred " years before 2 *H.* 5. besides the differences between these *Savings* and this B " Clause; I doubt not but I shall give ample satisfaction to your Lordships, " that the Commons as well in this, as in all their other Reasons, have been " most careful to rely upon nothing but that which is most true and per- " tinent.

" Before the second year of King *H.* 5. the course was thus: When the " Commons were Suiters for a Law, either the Speaker of their House by " word of mouth from them, the Lords House joyning with them, or by " some Bill in writing, which was usually called their Petition, moved the C " King to Ordain Laws for the redress of such mischiefs or inconveniences " as were found grievous unto the people.

" To these Petitions the King made answer as he pleased, sometimes " to part, sometimes to the whole, sometimes by denial, sometimes by as- " sent, sometimes absolutely, and sometimes by qualification. Upon " these Motions and Petitions, and the Kings Answers to them, was the " Law drawn up and Ingrossed in the Statute Roll to binde the Kingdom; " but this inconvenience was found in this course, that oftentimes the Sta- D " tutes thus framed were against the sense and meaning of the Commons, " at whose desires they were Ordained, and therefore in the 2 *H.* 5. find- " ing that it tended to the violation of their Liberty and Freedom, whose " right it was, and ever had been, that no Law should be made without " their affent; they then exhibited a Petition to the King, declaring their " right in this particular, praying that from thenceforth no Law might be " made or Ingrossed as Statutes, by additions or diminutions to their Pe- " tions or Petitions, that should change their sense or intent, without their E " assent, which was accordingly established by Act of Parliament, ever " since then the use hath been as the Right was before, that the King ta- " keth the whole, or leaveth the whole of all Bills or Petitions exhibited " for the obtaining of Laws.

" From this course, and from the time when first it became constant and " setled, we conclude strongly that it is no good Argument, because ye " finde *Savings* in Acts of Parliament before the second of *H.* 5. that be- " fore those *Savings* were in the Petitions that begat those Statutes; for F " if the Petitions for the two Loans so much insisted upon (which Petiti- " ons, for any think we know, are not now extant) were never so absolute, " yet might the King, according to the usage of those times, insert the " Savings in his Answers, which passing from thence into the Statute Roll, " do onely give some little colour, but are not proof at all that the Peti- " tions also were with Savings.

Thus

4 *Caroli.*

"Thus much for the general; to come now to the particular Statute of
"25 of *Edw.* 1. which was a confirmation of *Magna Charta*, with some pro-
"viſion for the better execution of it, as common Law, which words are
"worth the noting.

"It is true that Statute hath alſo a Clauſe to this effect, That the King
"or his Heirs from thenceforth ſhould take no Aids, Taxes, or Priſes of
"his Subjects, but by common aſſent of all the Realm, *Saving* the ancient
A "Aids, and Priſes due and accuſtomed.

"This *Saving* if it were granted (which is not, nor cannot be proved)
"that it was as well in the Petition, as in the Act; yet can it no way imply
"that it is either fit or ſafe, that the Clauſe now in queſtion ſhould be ad-
"ded to our Petition: for the nature and office of a Saving, or Exception,
"is to exempt particulars out of a general, and to ratifie the Rule in things
"not exempted, but in no ſort to weaken or deſtroy the general Rule it
"ſelf.

B "The body of that Law was againſt all Aids and Taxes and Priſes in ge-
"neral, and was a confirmation of the common Law, formerly declared
"by *Magna Charta*; the Saving was onely of Aids and Priſes in particular,
"ſo well deſcribed and reſtrained by the words, *Ancient and Accuſtomed*, that
"there could be no doubt what could be the clear meaning and extent of
"that exception, for the Kings Right to thoſe ancient Aids, intended by
"that Stature to be ſaved to him, was well known in thoſe days, and is
"not yet forgotten.

C "Theſe Aids were three, from the Kings Tenants by Knights ſervice,
"due by the common Law, or general Cuſtom of the Realm; Aid to ran-
"ſom the Kings Royal Perſon, if unhappily he ſhould be taken priſoner
"in the Wars; Aid to make the Kings Eldeſt Son a Knight, and Aid to
"marry the Kings Eldeſt Daughter once, but no more; and that thoſe
"were the onely Aids intended to be ſaved to the Crown by that Statute,
"appeareth in ſome clearneſs, by the Charter of King *John*, dated at
"*Runningmede* the 15 of *June* in the 5th year of his Reign, wherein they
D "are enumerated with an excluſion of all other Aids whatſoever. Of this
"Charter I have here one of the Originals, whereon I beſeech your Lord-
"ſhips to caſt your eyes, and give me leave to read the very words which
"concern this point. Theſe words (my Lords) are thus: *Nullum ſcutagium*
"*vel auxilium ponatur in Regno noſtro, niſi per commune Conſilium Regni*
"*noſtri, niſi ad Corpus noſtrum redimendum, & primogenitum filium noſtrum*
"*militem faciendum, & ad filiam noſtram primogenitam ſemel maritandam,*
"*& ad hoc non fiat niſi rationabile auxilium.*

E "Touching Priſes, the other thing excepted by this Statute, it is alſo
"of a particular Right to the Crown ſo well known, that it needeth no
"deſcription, the King being in poſſeſſion of it by every days uſage.

"It is to take one Tun of Wine before the Maſt, and another behinde
"the Maſt, of every Ship bringing in above twenty Tuns of Wine, and here
"diſcharge them by way of Merchandiſe.

"But our Petition conſiſteth altogether of particulars, to which if any
"general *Saving* or words amounting to one ſhould be annexed, it cannot
F "work to confirm things not excepted which are none, but to confound
"things included, which are all the parts of the Petition; and it muſt needs
"beget this dangerous Expoſition, that the Rights and Liberties of the Sub-
"ject, declared and demanded by this Petition, are not theirs abſolutely, but
"*ſub modo*, not to continue always, but onely to take place when the King is
"pleaſed not to exerciſe that *Soveraign Power*, wherewith this Clauſe admit-

An. 1628.

"ted he is truſted for the protection, ſafety, and happineſs of his People: And "thus that Birthright and Inheritance, which we have in our Liberties, ſhall "by our own aſſents be turned into a meer Tenancy at will and ſufferance.

"Touching the Statute of 28 *Edw.* 1. *Articuli ſuper Chartas*, the ſcope of "that Statute among other things, being to provide for the better obſer- "ving and maintaining of *Magna Charta*, hath in it nevertheleſs two *Sa-* "*vings* for the King; the one particular, as I take it, to preſerve the anci- "ent Prices, due and accuſtomed, as of Wines and of other goods, the other A "general Seigniory of the Crown in all things.

"To theſe two *Savings*, beſides the former Anſwers, which may be for the "moſt part applied to this Statute, as well as to the former; I adde theſe "further Anſwers: The firſt of theſe two *Savings*, is of the ſame pri- "ſage of Wines which is excepted in the 25 *Edw.* 1. but in ſome more clear- "neſs; for that here the word (Wines) is expreſly annexed to the word "(Prices) which I take for ſo much to be in Expoſition of the former Law: "And albeit theſe words (*and of other goods*) be added, yet do I take it to be B "but a particular *Saving*, or exception, which being qualified with "the words (*Ancient, due and accuſtomed*) is not very dangerous, nor can be "underſtood of Prices or Levies upon Goods of all ſorts at the Kings will "and pleaſure, but onely of the old and certain Cuſtoms upon Wool, "Woolfels and Leather, which were due to the Crown long before the ma- "king of this Statute.

"For the latter of the two *Savings* in this Act, which is of the more un- "uſual nature, and ſubject to the more exception; it is indeed general, and C "if we may believe the concurrent Relations of the Hiſtories of thoſe times, "as well as thoſe that are now Printed, as thoſe which remain onely in "Manuſcripts, it gave diſtaſte from the beginning, and wrought no good "effect; but produced ſuch diſtempers and troubles in the State, as we wiſh "may be buried in perpetual oblivion; and that the like *Saving* in theſe and "future times, may never breed the like diſturbance: For from hence aroſe "a Jealouſie, That *Magna Charta* which declared the ancient Right of the "Subject, and was an abſolute Law in it ſelf, being now confirmed by a lat- D "ter Act with this Addition of a general *Saving*; for the Kings Right in "all things by the *Saving* was weakned, and that made doubtful which was "clear before: But not to depart from our main ground, which is, that *Sa-* "*vings* in old Acts of Parliament, before 2 *H.* 5. are no proof that there "were the like *Savings* in the Petitions; for thoſe Acts let me obſerve un- "to your Lordſhips, and ſo leave this point, That albeit this Petition, "whereon this Act of 28 *Edw.* 1. was grounded, be periſhed; yet hath it E "pleaſed God that the very Frame and Context of the Act it ſelf, as it is "drawn up, and entred upon the Statute Roll, and Printed in our Books, "doth manifeſtly impart that this *Saving* came in by the Kings Anſwer, and "was not in the Original Petition of the Lords and Commons; for it com- "eth in at the end of the Act after the words (*le Roy veut*) which commonly "are the words of the Royal aſſent to an Act of Parliament. And though "they be mixed and followed with other words, as though the Kings Coun- "cel and the reſt who were preſent at the making of this Ordinance, did in- "tend the ſame *Saving*; yet is not that Concluſive, ſo long as by the F "form of thoſe times, the Kings Anſwer working upon the materials of "the Petition, might be conceived by ſome to make the Law effectual, "though varying from the frame of the Petition.

"The next Reaſon which the Commons have commanded me to uſe, "for which they ſtill deſire to be ſpared from adding this Clauſe to their

"Petition,

4. Caroli.

"Petition, is this: this offensive Law of 28 *E.* 1. which confirmed *Magna Charta*,
"with a *Saving*, rested not long in peace, for it gave not that satisfaction
"to the Lords or people, as was requisite they should have in a case so near-
"ly concerning them: and therefore about thirty three, or thirty four of
"the same Kings Reign, a later Act of Parliament was made, whereby it
"was Enacted, That all men should have their Laws and Liberties and
"free Customs, as largely and wholly as they had used to have at any
A "time, when they had them best; and if any Statutes had been made, or
"any Customs brought in to the contrary, that all such Statutes and Cu-
"stoms should be void.

"This was the first Law which I call now to minde, that restored *Mag-*
"*na Charta* to the original purity wherein it was first moulded, albeit it
"hath been since confirmed above twenty times more by several Acts of
"Parliament, in the Reigns of divers most just and gracious Kings, who
"were most apprehensive of their Rights, and jealous of their Honors,
"and always without *Savings*; so as if between 28 and 34 *E.* 1. *Magna*
B "*Charta* stood blemished with many Savings of the Kings Rights or Seig-
"niory, which might be conceived to be above the Law; that stain and
"blemish was long since taken away, and cleared by those many absolute
"Declarations and Confirmations of that excellent Law which followed
"in after ages, and so it standeth at this day purged and exempted now
"from any such *Saving* whatsoever.

"I beseech your Lordships therefore to observe the circumstance of time
"wherein we offer this Petition to be presented to your Lordships, and by
C "us unto his Majesty: Do we offer it when *Magna Charta* stands clogged with
"*Saving*? No, my Lords, but at this day when later and better confirma-
"tions have vindicated and set free that Law from all exceptions; and
"shall we now annex another and worse *Saving* to it by an unnecessary
"Clause in that Petition, which we expect should have the fruits and ef-
"fects of a Law? Shall we our selves relinquish or adulterate that which
"cost our Ancestors such care and labour to purchase and refine? No,
"my Lords, but as we should hold our selves unhappy if we should not
D "amend the wretched estate of the poor Subject, so let us hold it a wick-
"edness to impair it.

"Whereas it was further urged by your Lordships, That to insert this
"Clause into our Petition, would be no more then to do that again at your
"Lordships motion and request, which we had formerly done by the
"mouth of our Speaker; and that there is no cause why we should recede
"from that which so solemnly we have professed. To this I answer and
"confess, it was then in our hearts, and so it is now, and shall be ever, not to
E "incroach on his Majesties Soveraign Power. But I beseech your Lord-
"ships to observe the different occasion and reference of that Protestation,
"and of this Clause.

"That was a general Answer to a general Message, which we received
"from his Majesty, warning us not to incroach upon his Prerogative; to
"which, like dutiful and loving Subjects, we answered at full, according
"to the integrity of our own hearts; nor was there any danger in making
"such an Answer to such a Message, nor could we answer more safely or
F "more properly: But did that Answer extend to acknowledge a *Soveraign*
"*Power* in the King, above the Laws and Statutes mentioned in our Petiti-
"on, or controll the Liberties of the Subject therein declared and demand-
"ed? No my Lords, it hath no reference to any such particulars; and the
"same words which in some cases may be fit to be used, and were womanerly

An. 1628.

"nerly to be omitted, cannot in other caſes be ſpoken but with impertinency at the leaſt, if not with danger; I have formerly opened my Reaſons, proving the danger of this Clauſe, and am commanded to illuſtrate the impertinency of adding it to the Petition by a familiar Caſe, which was put in our Houſe by a Learned Gentleman, and of my own Robe: The Caſe is this, Two Manors or lordſhips lye adjoyning together, and perchance intermixed, ſo as there is ſome difficulty to diſcern the true bounds of either; as there may be touching the confines where the Liberty of the Subject, and the Prerogative of the Crown do border each upon the other; to the one of the Manors the King hath clear Right, and is in actual poſſeſſion of it; but the other is the Subjects: The King being miſinformed that the Subject hath intruded upon his Majeſties Manor, asketh his Subject whether he doth enter upon his Majeſties Manor, or pretendeth any Title to it, or any part of it? The Subject being now juſtly occaſioned, maketh anſwer truly to the King, that he hath not intruded, nor will intrude upon his Majeſties Manor, nor doth make any Claim or Title to it, or any part of it. This anſwer is proper and fair; nay it were unmannerly and ill done of the Subject not ſo to anſwer upon this occaſion. Afterwards the King upon colour of ſome double or ſingle matter of Record, ſeiſeth into his Highneſs hands upon a pretended Title, the Subjects Manor: The Subject then exhibiteth his Petition of Right, or ſo his Majeſty, to attain reſtitution of his own Manor, and therein layeth down Title to his own Manor onely; were it not improper and abſurd in this Caſe for him to tell the King that he did not intend to make any Claim or Title to his Majeſties Manors, which is not queſtioned? Doubtleſs it were. This Caſe rightly applyed, will fit our purpoſe well, and notably explain the nature of our Petition.

"Why ſhould we ſpeak of leaving entire the *Kings Soveraign Power*, whereon we incroach not, while we onely ſeek to recover our own Liberties and Priviledges, which have been ſeiſed upon by ſome of the Kings Miniſters? If our Petition did trench actually upon his Majeſties Prerogative, would our ſaying that we intended it not, make the thing otherwiſe then the truth?

"My Lords, there needeth no Proteſtation or Declaration to the contrary of that which we have not done; and to put in ſuch a Clauſe, cannot argue leſs then a fear in us, as if we had invaded it; which we hold ſacred, and are aſſured that we have not touched either in our words, or in our intentions. And touching your Lordſhips obſervation upon the word (*Leave*) if it be not a proper word to give any new thing to the King, ſure we are, it is a word as dangerous in another ſenſe; for it may amount without all queſtion, to acknowledge an old Right of *Soveraign Power* in his Majeſty, above theſe Laws and Statutes whereon onely our Liberties are founded; a Doctrine which we moſt humbly crave your Lordſhips leaves freely to proteſt againſt. And for your Lordſhips proffering that ſome *Saving* ſhould be requiſite for preſervation of his Majeſties *Soveraign Power*, in reſpect our Petition runneth in larger words then our Laws and Statutes whereon we ground it; what is this but a clear confeſſion by your Lordſhips, that this Clauſe was intended by you to be that *Saving*? for other *Saving* then this, we finde not tendred by you: And if it be ſuch a *Saving*, how can it ſtand with your Lordſhips other Arguments, that it ſhould be of no other effect then our former expreſſion to his Majeſty by the mouth of our Speaker? But I will not inſiſt upon Collections of this kinde; I will onely ſhew you the Reaſons of

"the

4 Caroli.

"the Commons, why this Petition needeth no such Saving, albeit the
"words of these Statutes be exceeded in the declaratory part of our Petiti-
"on: Those things that are within the equity, and true meaning of a Sta-
"tute, are as good Laws as those which are contained in the express Letter,
"and therefore the Statutes of the 42 *Edw.* 36 *H.* 3. Rot. Par. N. 12. and
"other the Statutes made in this time of King *Edw.* 3. for the Explanation
"of *Magna Charta*, which hath been so often vouched this Parliament,
A "though they differ in words from *Magna Charta*, had no *Saving* annexed
"to any of them, because they inacted nothing more then was contained in
"effect: In that good Law under the words, *per legale judicium parium
"suorum, aut per legem terræ*, which by these latter Laws are expounded to
"import, that none should be put to answer without presentment, or mat-
"ter of Record, or by due Process or writ Original, and if otherwise, it
"should be void and holden for error.

"It hath not been yet shewen unto us from your Lordships, that we have
B "in any of our Expressions or Applications strained or misapplied any of the
"Laws or Statutes whereon we do insist, and we are very confident and
"well assured, that no such mistaking can be assigned in any point of our
"Petition now under question: if therefore it do not exceed the true sense
"and construction of *Magna Charta* in the subsequent Laws of Explanation
"whereon it is grounded, what reason is there to adde a *Saving* to this Peti-
"tion more then to those Laws? since we desire to transmit the fruits of these
"our labors to posterity, not onely for the justification of our selves in right
C "of our present and their future Liberties, but also for a brave expression
"and perpetual testimony of that Grace and Justice, which we assure our
"selves we shall receive in his Majesties speedy and clear Answer. This is
"the thing we seek for, and this the thing we hoped for, and this the thing
"onely will settle such an unity and confidence betwixt his Majesty and us,
"and raise such a cheerfulness in the hearts of all his loving Subjects, as will
"make us proceed unanimously and with all expedition to supply him for
"his great occasions in such measure, and in such way, as may make him
D "safe at home, and feared abroad.

Sir Henry Martin *took up the Argument, and proceeded as to the rational part thereof.*

Sir Henry Martins Speech, as to the rational part of the matter of the Conference.

"IT is necessary to state the question rightly, and to set down the true dif-
"ference between your Lordships, and us. Now indeed there is no difference
E "or question between your Lordships and us, concerning this additional
"Clause in the nature and quality of a Proposition; For so considered, we
"say it is most true, and to be received and embraced by us, *in toto & qua-
"libet parte & qualibet syllaba*, yea, and were that the question, we should
"adde to the Addition, and in stead of due regard say we have had, have,
"and ever will have a special and singular regard, where to leave entire
"Soveraign Power: but this were to insinuate, as if we had first cropt it,
F "and then left it, but our regard was to acknowledge and confess it sincere-
"ly, and to maintain it constantly, even to the hazard of our Goods and
"Lives, if need be.

"To which purpose your Lordships may be pleased to remember that
"strict Oath every Member of our House hath taken this very Session, in
"these words, *I* (A. B.) *do utterly testifie and declare in my conscience, That
"the Kings Highness is the Supreme or Soveraign Governor of this Realm in all*

Causes

An. 1628.

"Causes, &c. and to my utmost Power will assist and defend all Jurisdictions, Priviledges, Preheminencies and Authorities, granted or belonging to the "Kings Highness, or united or annexed to the Imperial Crown of this "Realm, &c.

"So that your Lordships need not to borrow from our Protestations any "Exhortations to us to entertain a Writing in assistance of the Kings Sovereign Power, since we stand obliged by the most sacred Bond of a "solemn Oath, to assist and defend the same, if cause and occasion so required. So that the onely question between your Lordships and us, is, "whether this Clause should be added to our Petition, and received into it "as part thereof, which to do your Lordships reasons have not perswaded "us, because so to admit it were to overthrow the fabrick and substance of "our Petition of Right, and to annihilate the Right pretended by us and "the Petition it self in effect: For these words being added to our Petition (*viz.*) we humbly present this Petition, *&c.* with due regard to leave "entire your Soveraign Power, *&c.* do include manifestly an Exception to "our Petition, and an Exception being of the nature of the thing whereunto it is an Exception, *Exceptio est de regula*, must of necessity destroy the "Rule or Petition, so far as to the case excepted: *Exceptio firmat regulam in casibus non exceptis, in casibus exceptis destruit regulam*: Then this Construction followeth upon our Petition thus enlarged, that after we have petitioned that no freeman should be compelled by imprisonment, to lend or contribute money to his Majesty without his assent in Parliament, nor receive "against his will Soldiers into his house, or undergo a Commission of Marshal Law for Life or Member in time of Peace, we should adde, Except his "Majesty be pleased to require our monies, and imprison us for not lending, and send Soldiers into our houses, and execute us by Marshal Law in "time of Peace, by vertue of his Soveraign Power: which construction, as "it followeth necessarily upon this inlargement, so it concludeth against our "right in the Premises, and utterly frustrateth all our Petition, neither may "it seem strange, if this Clause additional (which of it self in quality of a Proposition we confess) being added to our Petition (which also is true) should "overthrow the very frame and fabrick of it, seeing the Logicians take "knowledge of such a Fallacy called by them, *Fallacia a bene divisis ad male "conjuncta*. *Horace* the Poet giveth an instance to this purpose, in a Painter, "who when he had painted the Head of a man according to Art, would then "joyn to it the neck of a Horse, and so mar the one and the other; whereas each by it self might have been a piece of right good workmanship.

Sir Henry Martins Speech, as to the rational part of the matter of the Conference.

"The second branch of my Lord Keepers rational part, was enforc'd out "of the last words of this addition, by which his Lordship said that they did "not leave intire all Soveraign Power, but that wherewith his Majesty is "trusted for the Protection, Safety and Happiness of the People; as if his "Lordship would infer, that Soveraign Power wherewith *&c.* in this place to "be *Terminus diminuens*, a Term of diminution or qualification, and in "that consideration might induce us to accept it. But under his Lordships "correction, we cannot so interpret it; For first, we are assured that there is "no Soveraign Power wherewith his Majesty is trusted, either by God or "man, but onely that which is for the Protection, Safety and Happiness of "his people; and therefore that limitation can make no impression upon "us: but we conceive it rather in this place to have the force *Termini adaugentis*, to be a Term of important advantage against our Petition, a Term "of restriction, and that whersoever his Majesties Soveraign Power should "be exercised upon us, in all and every the particulars mentioned in the Pe-

"tition

4. Caroli.

"tition, we ſhould without further enquiry ſubmit thereunto, as aſſuming "and taking it *pro conceſſo*, it induced to our Safety and Happineſs, *&c.* "Since therefore (as the Petition is now conceived) it carrieth the form and "face of a Picture, which repreſenteth to the life the preſſures and grie- "vances of the people, with the eaſie remedies; And therefore we hope "that his Majeſtie caſting upon it a gracious eye, will compaſſionate his "poor Loyal Subjects, and afford a comfortable anſwer.

A "I do humbly pray your Lordſhips not to mar or blemiſh the grace and "face of this Picture with this unneceſſary addition; and unneceſſary I prove it "to be, according to that Rule, *Expreſsio ejus quod tacite ineſt nihil operatur.* "And Soveraign Power, in caſes where it hath place, and ought to be uſed, "is always neceſſarily underſtood, and though not expreſſed, yet ſupplyed "by reaſonable intendment, or by the opinion of all Learned men.

"And therefore, as it neither is nor can be by us expreſly included, eſpe- "cially in this Petition, where the addition thereof would make ſuch a con- "fuſion of the whole ſenſe and ſubſtance.

B "The Kings Soveraign Power and Prerogative is always able to ſave it "ſelf, and if it were not, we muſt without this addition ſave it to our ut- "moſt powers, if we will ſave our Oath, and ſave our ſelves; the true ſtate "of the cauſe thus ſtanding between your Lordſhips and us, the Houſe of "Commons doth not a little marvel upon what grounds your Lordſhips are "ſo earneſt to urge upon them this addition to be inſerted into their Peti- "tion, they nothing doubt but that the ſame proceeded out of a ſollicitude "and fear which your Lordſhips have, leſt otherwiſe the ſimple and abſo-

C "lute paſſage of this Petition might be conſtrued hereafter in prejudice of "his Majeſties Soveraign Power: And this your Lordſhips ſollicitude and "fear proceedeth from your love, as the Poet ſaith,

Res eſt ſolliciti plena timoris Amor.

"But I humbly pray your Lordſhips to examine with us, the grounds of this "your ſollicitude and fear, which grounds needs muſt be laid either upon the "words of the Petition, or the intention of the Petitioners.

D "Upon the words there is no poſſibility to lay them, for therein is no "mention made of the Soveraign Power; and were the words doubtful, "as thus, We pray the like things be nor done hereafter under pretext of "your Majeſties Soveraign Power; yet in reſpect of the Proteſtations pre- "ceding, concomitant and ſubſequent to the Petition, ſuch doubtful "words ought reaſonably to be interpreted onely of ſuch Soveraign Power "as was not appliable to the Caſes wherein it was exerciſed, and of ſuch So- "veraign Power as ſhould be juſtly practiſed: but there are no ſuch doubt-

E "ful words, and therefore it followeth, that your Lordſhips fear and ſollici- "tude muſt be grounded upon the intention of the Petitioners. Now your "Lordſhips well know, that the Houſe of Commons is not ignorant, that "in a Seſſion of Parliament, though it continue as many weeks as this "hath done days, yet there is nothing *Prius & Poſterius*, but all things are "held and taken as done at one time; if ſo, what a ſtrange Collection was "this, that at the ſame time the Houſe of Commons ſhould oblige them- "ſelves by a fearful adjuration to aſſiſt and defend all Priviledges and Pre-

F "rogatives belonging to the King, and at the ſame time by a Petition (cau- "tiouſly conveyed) endeavor or intend to diveſt and deprive the King of "ſome Prerogatives belonging to his Crown. If therefore ſuch fear and ſol- "licitude can neither be grounded upon the words of the Petition, nor inten- "tion of the Petitioners, I humbly pray your Lordſhips to lay them aſide;

An. 1628.

"as we do believe that the Propoſition of this addition from your Lord-
"ſhips, was not onely excuſeable, but commendable, as proceeding from
"your love: So now having heard our Reaſons, your Lordſhips would reſt
"ſatisfied, that our refuſal to admit them into our Petition, proceedeth
"from the conſcience of the integrity and uprightneſs of our own hearts, that
"we in all this Petition have no ſuch end to abate or diminiſh the Kings juſt
"Prerogative. And ſo much in reply to that Rational part whereby my
"Lord Keeper laboured to perſwade the entertainment of this Addition. A

"This being done, it pleaſed the Houſe of Commons to inſtruct and
"furniſh me with certain Reaſons which I ſhould uſe to your Lordſhips, to
"procure your abſolute conjunction with us in preſenting this Petition, which
"albeit I cannot ſet forth according to their worth, and the Inſtructions
"given me by the Houſe, yet I hope their own weight will ſo preſs down
"into your Lordſhips conſciences and judgements, that without further
"ſcruple you will cheerfully vouchſafe to accompany this Petition with your
"right noble preſence. B

"*A perſonis.* The firſt Argument wherewith I was commanded to move
"your Lordſhips, was drawn from the conſideration of the Perſons which
"are Petitioners, The *Houſe of Commons*; a Houſe whoſe temper, mild-
"neſs and moderation in this Parliament hath been ſuch, as we ſhould be
"unthankful and injurious to Almighty God, if we ſhould not acknow-
"ledge his good hand upon us, upon our tongues, upon our hearts, pro-
"cured, no doubt, by our late ſolemn and publique Humiliation and
"Prayers. C

"This moderation will the better appear, if in the firſt place we may
"be remembred in what paſſion and diſtemper many Members of this
"Houſe arrived thither, what boſoms, what pockets full of complaints
"and lamentable grievances the moſt part brought thither, and thoſe every
"day renewed by Letters and Packets from all parts and quarters: You
"know the old Proverb, *Ubi dolor ibi digitus, ubi amor ibi oculus*, it is hard to
"keep our fingers from often handling the Parts ill affected, but yet our Mo-
"deration overcame our Paſſion, our Diſcretion overcame our Affection. D

"This Moderation alſo will the better appear, if in the ſecond place it be
"not forgotten how our Anceſtors and Predeceſſors carried themſelves in
"Parliaments, when upon lighter provocations leſs would not ſerve their
"turns, but new ſevere commiſſions to hear and determine offences againſt
"their Liberties, publique eccleſiaſtical Curſes, or excommunications
"againſt the Authors or Actors of ſuch violations, accuſations, condemna-
"tions, executions, baniſhments. But what have we ſaid all this Parlia-
"ment? we onely look forward, not backward: we deſire amendment here- E
"after, no mans puniſhment for ought done heretofore; nothing written
"by us in blood, nay, not one word ſpoken againſt any mans perſon in diſ-
"pleaſure. The concluſion of our Petition is, that we may be better in-
"treated in time to come: and doth not this moderate Petition deſerve your
"Lordſhips cheerful conjunction *ex congruo & condigno?* If a Worm being
"trodden upon, could ſpeak, a Worm would ſay, tread upon me no more I
"pray you: higher we riſe not, lower we cannot deſcend, and thus much
"we think in modeſty may well be ſpoken in our own commendation, F
"thence to move your Lordſhips to vouchſafe us your noble company in this
"Petition, without ſurcharging it with this Addition.

"*A tempore.* Our next Argument is drawn *a tempore*, from the unſeaſon-
"ableneſs of the time. The wiſe Man ſaith, There is a time for all things
"under the Sun, *tempus ſuum*, and if in the wiſe mans judgement, a word

"ſpoken

4 Caroli.

"ſpoken in its due time be precious as Gold and Silver, then an unſeaſon-
"able time detracts as much from the thing, or word, done, or ſpoken:
"We hold (under your favors) that the time is not ſeaſonable now for
"this Addition; it is true that of it ſelf Soveraign Power is a thing always
"ſo Sacred, that to handle it otherwiſe then tenderly, is a kind of Sa-
"criledge, and to ſpeak of it otherwiſe then reverently, is a kind of blaſ-
"phemy; but every vulgar capacity is not ſo affected, the moſt part of
A "men, nay, almoſt all men judge and eſteem all things not according to
"their own intrinſick vertue and quality, but according to their immediate
"effects and operations, which the ſame things have upon them: Hence
"it is, that Religion it ſelf receiveth more or leſs credit or approbation, as
"the Teachers or Profeſſors are worſe or better; yea, if God himſelf ſend
"a very wet harveſt or ſeed-time, men are apt enough to cenſure Di-
"vine Power: The Soveraign Power hath not now, for the preſent, the
"ancient amiable aſpect, in reſpect of ſome late ſad influences, but by Gods
B "Grace it will ſoon recover.

"To intermix with this Petition any mention of Soveraign Power, *rebus*
"*ſic ſtantibus*, when angry men ſay Soveraign Power hath been abuſed, and
"the moſt moderate wiſh it had not been ſo uſed, we hold it not ſeaſonable,
"under your Lordſhips correction.

"*A loco.* Our next Argument is drawn *a loco*: we think *the place* where
"your Lordſhips would have this Addition inſerted (*viz.*) in the Petition,
"no convenient or ſeaſonable place; your Lordſhips will eaſily believe, that
C "this Petition will run through many hands, every man will be deſirous to
"ſee and to read, what their Knights and their Burgeſſes have done in Par-
"liament upon their complaints, what they have brought home for their
"five Subſidies; If in peruſing of this Petition they fall upon the mention
"of Soveraign Power, they preſently fall to arguing and reaſoning, and deſ-
"canting, what Soveraign Power is, what is the Latitude, whence the Ori-
"ginal, and where the bounds? with many ſuch curious and captious que-
"ſtions, by which courſe Soveraign Power is little advanced or advantaged;
D "for I have ever been of opinion, that it is then beſt with Soveraign Power
"when it is had in *tacite veneration*, not when it is profaned by publique
"hearings or examinations.

"Our laſt Argument is drawn from our *Duty* and *Loyalty* to his Majeſty, in
"conſideration whereof we are fearful at this time to take this Addition into
"our Petition, leſt we ſhould do his Majeſty herein ſome diſſervice: with
"your Lordſhips we make the great Councel of the King and Kingdom;
"and though your Lordſhips having the happineſs to be near his Majeſty,
E "know other things better, yet certainly the ſtate and condition of the ſe-
"veral parts for which we ſerve, their diſpoſitions and inclinations, their
"apprehenſions, their fears and jealouſies, are beſt known unto us: and
"here I pray your Lordſhips to give me leave to uſe the Figure called *Reticen-*
"*tia*, that is, to inſinnate and intimate more then I mean to ſpeak: Our
"chief and principal end in this Parliament, is to make up all Rents and
"Breaches between the King and his Subjects, to draw them and knit them
F "together, from that diſtance whereof the world abroad takes too much
"notice, to work a perfect union and reconciliation: how unproperly and
"unapt at this time this Addition will be in reſpect of this end, we cannot
"but foreſee, and therefore ſhun it, and do reſolve, that it is neither agree-
"able to the Perſons of ſuch Counſellors, of whom we are, nor anſwer-
"able to that Love and Duty which we owe to his Majeſty, to hazard an
"end of ſuch unſpeakable conſequence, upon the admittance of this Addi-

An. 1628.

"tion into our Petition, whereof (as we have shewed) the omission at this time "can by no means harm the Kings Prerogative, the expression may pro- "duce manifold inconveniences: and therefore since the admittance of your "Lordships Addition into our Petition, is incoherent and incompatible with "the body of the same, since there is no necessary use of it for the saving of "the Kings Prerogative, since the moderation of our Petition deserveth "your Lordships cheerful conjunction with us, since this Addition is unsea- "sonable for the time, and inconvenient in respect of the place where your "Lordships would have it inserted, and lastly may prove a disservice to his "Majesty: I conclude with a most affectionate Prayer to your Lordships, to "conclude with the House of Commons, in presenting this Petition to his "Sacred Majesty, as it is, without this Addition.

Monday 26. of May, *The Lord Keeper made this Speech at a Conference.*

Gentlemen,

The Lords and Commons agreed touching the Petition of Right.

"YE that are Knights, Citizens, and Burgesses of the House of Com- "mons, I have many times this Parliament by Command from my "Lords, declared the great zeal and affection which my Lords have to "maintain and nourish the good Concurrence and Correspondency which "hath hitherto continued between both Houses, that there might be a "happy issue in this great business, for the common good of the King and "Kingdom. Now that which I have to say this day from my Lords, is to "let you know this fair proceeding is not a profession of words onely, but "really and indeed concerning the Petition which hath been long in agitati- "on, as the weight of the cause required: since the last Conference my "Lords have taken it into their serious and instant consideration, and at "length are fain upon a Resolution which I am to acquaint you with.

"The Lords have unanimously agreed with you *in omnibus*, and have "voted that they will joyn with you in your Petition, with the onely alte- "rations of the word (*means*) to be put in stead of the word (*pretext*) and for "the word (*unlawful*) to be put out, and in place thereof to adde (*not war- "rantable* by the Laws and Statutes of the Realm) which two alterations "your selves consented unto.

"So that concerning this business there remains nothing now, but that ye "having the Petition in your hands will (if ye have not already) vote it as "they have done, and so prepare it for his Majesty, and my Lords will take "order, that the King be moved for a speedy access to present the same to "his Majesty.

And after some pause he said, "There rests one thing which my Lords "have commanded me to adde, that in regard this Petition toucheth upon "certain Charges raised by the Lords Lieutenants, and other Persons, ma- "ny times for good use, for the service and safety of the Kingdom, That ye "take it into your Care and Consideration, and to provide a Law for asses- "sing of such Charges, as the occasion of the time shall require.

The Lords and Commons being thus happily accorded, the Petition, with the aforesaid amendments, was read in the House two several times to- gether. Then it was Voted upon question, and that it should be ingrossed, and read the third time, and the House to sit in the afternoon till it was in- grossed, and read, and ordered to be presented to the King, to which there was

was not a negative Vote. And the Bill of Subsidie was also read the second time, and committed. 4 Caroli.

Wednesday 28 *May*, the Lords and Commons had a Conference about the maner of delivery of the Petition, and Sir *Edward Cook* reported, That their Lordships were agreed that no Addition or Preface be used to the King, but that the Petition be preferred to his Majesty by command of the Lords and Commons, and his Majesty be desired, that to the content of his People he would be pleased to give his gracious Answer in full Parliament.

About this time Mr. Rouse *brought in a Charge against Doctor* Ed. Manwaring, *which some days after was seconded with a Declaration.*

Mr. Speaker,

Mr. Rouse against Dr. Ed. Manwaring.

I Am to deliver from the Committee a Charge against Mr. Manwaring, *a Preacher in Divinity; but a man so Criminous, that he hath turned his Titles into Accusations, for the better they are, the worse is he that dishonors them.*

Here is a great Charge that lies upon him, it is great in it self, and great because it hath many great Charges in it; Serpens qui serpentem devorat fit draco, *his Charge having digested many Charges into it, becomes a Monster of Charges.*

The main and great one is this Plot and Practise, to alter and subvert the Frame and Fabrick of this Estate and Commonwealth.

This is the great one, and it hath others in it that gives it more light. To this end,

1. *He labors to infuse into the Conscience of his Majesty, the perswasion of a power not bounding it self with Laws, which King* James, *of famous Memory, calls in his Speech to the Parliament, Tyranny, yea, Tyranny accompanied with Perjury.*

2. *He endeavors to perswade the Conscience of the Subjects, that they are bound to obey Commands illegal, yea he damns them for not obeying them.*

3. *He robs the Subjects of the propriety of their Goods.*

4. *He brands them that will not lose this propriety with most scandalous Speeches and odious Titles, to make them both hateful to Prince and People; so to set a division between the Head and the Members, and between the Members themselves.*

5. *To the same end not much unlike to* Faux *and his fellows, he seeks to blow up Parliaments and Parliamentary Powers.*

"The fifth being duly viewed, will appear to be so many Charges, and "they make up all the great and main Charge, a mischievous Plot to alter "and subvert the frame and government of this State and Common-"wealth.

"And now though you may be sure, that Mr. *Manwaring* leaves us no "propriety in our Goods, yet he hath an absolute propriety in this Charge, "here himself making up his own Charge. Here he read several Passages out of his Book, and then proceeded and said, "You have heard his Charge "made up by his own words, and withall I doubt not but you seem to hear "the voice of that wicked one (*Quid dabitis?*) what will you give me, and I "will betray this State, Kingdom, and Commonwealth.

"But there are two Observations (I might adde a third, which is like un-

"to

An. 1628.

" to *a threefold Cord, which cannot be easily broken*) will draw the Charge more " violently upon him.

" The first is of the Time when this Doctrine of destruction was set " forth; it was Preached in the heart of the Loan, and it was Printed in " the beginning of that Term which ended in a *Remittitur*: So that you " might guess there might be a double Plot, by the Law and Conscience, " to set on fire the frame and estate of this Commonwealth: And one of " these intailed Foxes was Mr. *Manwaring*. A

" Another note may be taken of the time, that is, the unseasonableness " of it; for this Doctrine of the Loan (in case of necessity) was the year " after an assent in Parliament to four Subsidies and three Fifteens, which " might serve for a sufficient stopple for the Doctors mouth, to keep in his " Doctrine of Necessity.

" A second observation may be of the Means by which he seeks to de- " stroy this Commonwealth; his means are Divinity, yea by his Divinity " he would destroy both King and Kingdom. B

" The King: for there can be no greater mischief to a Prince, then to " put the opinion of Deity into his ears; for if from his ears ti should have " passed to his heart, it had been mortal: You know how *Herod* perished. Now " this man gives a participation of Divine Omnipotence to Kings, and " though a part may seem to qualifie, yet all doth seem again to fill up " that qualification, and very dangerously, if we remember that God saith " of himself, *I am a jealous God*.

" He goes about to destroy the Kingdom and Commonwealth by his C " Divinity; but do we finde in Scripture such a destroying Divinity? Sure- " ly I finde there, that *God is a God of order, and not of confusion*: and that " *the Son of God came to save, and not to destroy*. By which it seems he hath " not his Divinity from God, nor from the Son of God: And that we may " be sure he went to Hell for Divinity, he names sundry Jesuits and Fry- " ers, with whom he consulted and traded for his Divinity. But not to be- " lye Hell it self, the Jesuits are honester then he: for if he had not brought " more hell unto them then he found with them, he had not found this D " Divinity in them which he hath brought forth; yea in his quotations he " hath used those shifts and falshoods for which Boyes are to be whipt in " Schools, and yet by them he thinks to carry the Cause of a Kingdom.

" But for a conclusion, to give the true Character of this man whom I " never saw, I will shew it you by one whom I know to be contrary to him: " *Samuel* we know all to be a true Prophet; now we read of *Samuel*, that " *he writ the Law of the Kingdom in a Book, and laid it up before the Lord*. " And this he did, as one of Mr. *Manwarings* own Authors affirms, that the E " King may know what to command, and the People what to obey; But " Mr. *Manwaring* finding the Law of this Kingdom written in Books, tears it " in pieces, and that in the presence of the Lord in a Pulpit, that the King " may not know what to command, nor the People what to obey.

" Thus Mr. *Manwaring* being contrary to a true Prophet, must needs be " a false one, and the Judgement of a false Prophet belongs to him.

" I have shewed you an evil Tree, that bringeth forth evil fruit; and " now it rests with you to determine whether the following sentence shall F " follow, *Cut it down, and cast it into the fire*.

ABout this time the Mayor of *Plimouth* certified to the Burgesses serving for that Town in Parliament, the Examination of *Le Brun* a Frenchman, Captain of the *Mary* of *Rotchel*, taken the 16 of *May* 1628. *Viz.* The

4 Caroli.

viz. The Examinate ſaith, That on Sunday being the 17 of *April* laſt paſt, he departed from *Plimouth* Harbor in company with the Engliſh Fleet, whereof the Earl of *Denbigh* is General: and on the firſt day of *May*, then following, the ſaid Fleet arrived and came to Anchor at *Charkeby* in the Rode of *Rotchel* about four of the Clock in the afternoon; where at the ſaid arrival they found twenty ſail of the King of *France* his Ships; whereof ſix were Ships of about 300 Tuns, and the reſt were ſmall Ships; and forthwith the ſaid French Ships put themſelves to ſail, and went in nearer to the fortifications, where they alſo anchored within two Canon ſhot of the Engliſh Fleet, and ſaith, That one of his Majeſties Ships ſhot off one piece of Ordinance, and no more; and that the ſaid French Ships, as they returned from the Engliſh Fleet, ſhot off oftentimes to them, and that the ſame Fleet remained there until the eighth day of the ſaid moneth of *May*, in which time there was a Wherry ſent from the Fleet into *Rotchel*, wherein there were two Engliſh and one Frenchman, to inquire the ſtate of the ſaid Town; and that if they were there ſafe arrived, they ſhould make a fire upon one of the Towers of the Town to give notice thereof, which accordingly they did, and alſo to make ſo many fires more on the Walls of the ſaid Town, as they have moneths victuals there; but they made not any anſwer thereof, whence it was collected, that they had but a ſmall quantity of victuals, and ſaid, That the ſaid Engliſh, as he hath heard, promiſed to ſink the ſaid French Ships, when the waters did increaſe, and the wind came at Weſt-north-weſt, it being then Neap-tides, and about two days after the waters did increaſe, and the winds came accordingly: and being then intreated to fight with them, yet did not, but came away without fighting or relieving the Town, and ſaith, That on the eighth day of *May* the ſaid Engliſh Fleet weighed Anchor, and ſet ſail to depart; and four of the French great Ships weighed Anchor alſo, and came after them, and ſhot divers times at the ſaid Fleet, and the ſaid Fleet ſhot at them again, and the ſaid Examinate came in company with the ſaid Fleet as far as *Bell Iſle*, where he departed from them on the tenth of this inſtant; and laſtly ſaith, That during all the time the Engliſh Fleet was there, the Town of *Rotchel* ſhot to the King of *France* his Ships and Fort, but chiefly upon the arrival of the ſaid Fleet there.

A B C D

This Examination being communicated to the Councel Table, it procured this enſuing Letter from the Privy Councel to the Duke, dated the 30 of *May*, 1628. *viz.*

E F

WHereas it is his Majeſties pleaſure, that the Earl of Denbigh *ſhall return back to relieve the Town of* Rotchel, *with the Fleet under his Charge: We do therefore pray your Grace, to ſignifie this his Majeſties pleaſure unto the ſaid Earl, and to give him ſpecial Charge and Direction ſo ſoon as the ſaid Fleet, or the greateſt thereof ſhall be reaſſembled and joyned together, then preſently with the firſt opportunity of wind, taking into his Charge alſo the Ships ſtayed and prepared at* Portſmouth *and* Plimouth, *together with ſuch fire Ships and other Veſſels, as ſhall be provided for this expedition, to return to* Rotchel *with all poſſible diligence, and do his beſt endevor to relieve the ſame; Letting his Lordſhip know that order is taken for the victualling of the Fleet by Petty warrant, ſo long as it remaineth in Harbor, for the ſparing and lengthening of the Sea victuals; And if it ſo fall out, that the Earl of* Denbigh *do ſet forward on his voyage towards* Rotchel, *before the whole Fleet ſhall be joyned with him, we pray your Grace to give him ſuch Direction, that he may leave order that the Ships which are behind ſhall follow him with all ſpeed.*

Monday

An. 1628.

Monday 2 June.

The King came to the Parliament, and ſpake thus in brief to both Houſes.

Gentlemen,

"I Am come hither to perform my duty, I think no man can think it long, "ſince I have not taken ſo many days in anſwering the Petition, as ye "ſpent weeks in framing it: And I am come hither to ſhew you, that as well "in formal things as in eſſential, I deſire to give you as much content as in "me lies.

After this the Lord Keeper ſpake as followeth.

"MY Lords, and ye the Knights, Citizens and Burgeſſes of the Houſe "of Commons, his Majeſty hath commanded me to ſay unto you, "That he takes it in good part, that in conſideration of ſetling your own "Liberties, ye have generally profeſſed in both Houſes, that ye have no "intention for to leſſen or diminiſh his Majeſties Prerogative; wherein as ye "have cleared your own intentions, ſo now his Majeſty comes to clear his, "and to ſubſcribe a firm League with his People, which is ever likely to be "moſt conſtant and perpetual, when the Conditions are equal, and known "to be ſo: Theſe cannot be in a more happy eſtate then when your Liber- "ties ſhall be an ornament and a ſtrength to his Majeſties Prerogative, and "his Prerogative a defence of your Liberties; in which his Majeſty doubts "not but both he and you ſhall take a mutual comfort hereafter; and for "his part he is reſolved to give an example in the uſing of his power for "the preſervation of your Liberties, that hereafter ye ſhall have no cauſe "to complain. This is the ſum of that which I am to ſay to you from his "Majeſty: And that which further remains is, That you hear read your "own Petition, and his Majeſties gracious Anſwer.

The Petition Exhibited to his Majeſty by the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, concerning divers Rights and Liberties of the Subjects, with the Kings Majeſties Royal Anſwer thereunto in full Parliament.

To the Kings moſt Excellent Majeſty.

HUmbly ſhew unto our Soveraign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, That whereas it is Declared and Enacted by a Statute made in the time of the Reign of King Edward the firſt, commonly called, Statutum de Tallagio non concedendo, That no Tallage or aide ſhall be laid or levied by the King or his heirs in this Realm, without the good will and aſſent of the Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other the Freemen of the Commonalty of this Realm: And by Authority of Parliament holden in the five and twentieth year of the Reign of King Edward the third, it is Declared and Enacted, That from thenceforth no perſon ſhould be compelled to make any Loans to the King againſt his will, becauſe ſuch Loans were againſt Reaſon, and the Franchiſe of the Land; and by other Laws of this Realm it is provided, That none ſhould be charged by any Charge or Impoſition, called a Benevolence, nor by ſuch like Charge

Charge, by which the Statutes before mentioned, and other the good Laws and Statutes of this Realm, your Subjects have inherited this Freedom, That they should not be compelled to contribute to any Tax, Tallage, Aid, or other like Charge, not set by common consent in Parliament. 4. *Caroli.*

Yet nevertheless, of late divers Commissions directed to sundry Commissioners in several Counties with instructions have issued, by means whereof your People have been in divers places assembled, A and required to lend certain sums of Money unto your Majesty, and many of them upon their refusal so to do, have had an Oath administred unto them, not warrantable by the Laws or Statutes of this Realm, and have been constrained to become bound to make appearance and give attendance before your Privy Council, and in other places, and others of them have been therefore Imprisoned, Confined, and sundry other ways molested and disquieted: And divers other charges have been layed and levied upon your People in several Counties, by Lords, Lieutenants, Deputy-Lieutenants, Commissioners for Musters, Justices of Peace, and others by command B or direction from your Majesty or your Privy Council, against the Laws and free Customs of the Realm.

And where also by the Statute called, The great Charter of the Liberties of England, It is declared and enacted, That no Freeman may be taken or imprisoned or be disseised of his Freeholds or Liberties, or his free Customs, or be Outlawed or Exiled, or in any manner destroyed, but by the lawful Judgement of his Peers, or by the Law of the Land. 9. Hen. 3. 29.

And in the eight and twentieth year of the reign of King Edward the third, it was declared and enacted by Authority of Parliament, That C no man of what Estate or condition that he be, should be put out of his Land or Tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due proces of Law. 28. Ed. 3. 3.

Nevertheless, against the tenor of the said Statutes, and other the good Laws & Statutes of your Realm, to that end provided, divers of your Subjects have of late been imprisoned without any cause shewed, and when for their deliverance they were brought before your Justices, by your Majesties Writs of Habeas Corpus, there to undergo and receive as the Court should order, and their Keepers commanded to certifie the Causes of their detainer; no cause was certified, but that D they were detained by your Majesties special Command, signified by the Lords of your Privy Council, and yet were returned back to several Prisons, without being charged with any thing to which they might make answer according to the Law. 37. Ed. 3. 18. 38. Ed. 3. 9. 42. Ed. 3. 3. 17. Ric. 2. 6.

And whereas of late great companies of Soldiers and Mariners, have been dispersed into divers Counties of the Realm, and the Inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against E the Laws and Customs of this Realm, and to the great grievance and vexation of the people.

And whereas also by Authority of Parliament, in the 25 year of the reign of King Edward the third, it is declared and enacted, That no man shall be forejudged of life or limb against the form of the great Charter, and the Law of the Land: And by the said great Charter and other the Laws and Statutes of this your Realm, no man ought to be adjudged to death, but by the Laws established in this your Realm, either by the Customs of the same Realm, or by Acts of Parliament: And whereas no offender of what kinde soever is exempted from the proceedings to be used, and punishments to be inflicted by F the Laws and Statutes of this your Realm; Nevertheless of late divers Commissions under your Majesties great Seal have issued forth, by which certain persons have been assigned and appointed Commissioners with Power and Authority to proceed within the 25. Ed. 3. 9. 9. Hen. 3. 29. 25. Ed. 3. 4. 28. Ed. 3. 3.

An. 1628.

Land, according to the Justice of Martial Law, against such Soldiers and Mariners, or other dissolute persons joyning with them, as should commit any Murther, Robbery, Felony, Mutiny, or other Outrage or Misdemeanor whatsoever, and by such summary Course and Order, as is agreeable to Martial Law, and is used in Armies in time of War, to proceed to the tryal and condemnation of such offenders, and them to cause to be executed and put to death, according to the Law Martial.

By pretext whereof, some of your Majesties Subjects have been by some of the said Commissioners put to death, when and where, if by the Laws and Statutes of the Land they had deserved death, by the same Laws and Statutes also they might, and by no other ought to have been adjudged and executed. A

And also sundry grievous offenders by colour thereof, claiming an exemption have escaped the punishments due to them by the Laws and Statutes of this your Realm, by reason that divers of your Officers, and Ministers of Justice have unjustly refused, or forborn to proceed against such offenders according to the same Laws and Statutes, upon pretence, that the said offenders were punishable onely by Martial Law, and by Authority of such Commissions as aforesaid, which Commissions, and all other of like nature, are wholly and directly contrary to the said Laws and Statutes of this your Realm. B

The Petition

They do therefore humbly pray your most Excellent Majesty, That no man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or such like Charge, without common consent by Act of Parliament; and that none be called to make answer, or take such Oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof: And that no Freeman, in any such manner as is before mentioned, be imprisoned or detained: And that your Majesty will be pleased to remove the said Soldiers and Mariners, and that your People may not be so burthened in time to come: And that the aforesaid Commissions for proceeding by Martial Law, may be revoked and annulled; and that hereafter no Commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them any of your Majesties Subjects be destroyed or put to death, contrary to the Laws and Franchise of the Land. C D

All which they most humbly pray of your most Excellent Majesty, as their Rights and Liberties according to the Laws and Statutes of this Realm: And that your Majesty would also vouchsafe to declare, That the awards, doings, and proceedings to the prejudice of your People, in any of the Premises, shall not be drawn hereafter into Consequence or Example: And that your Majesty would be also graciously pleased, for the further confirmation and safety of your People, to declare your royal Will and Pleasure, That in the things aforesaid all your Officers and Ministers shall serve you, according to the Laws and Statutes of this Realm, as they tender the Honor of your Majesty, and the prosperity of this Kingdom. E

Which Petition being read, the 2 of *June* 1628. The Kings Answer was thus delivered unto it.

The King willeth that Right be done according to the Laws and Customs of the Realm, And that the Statutes be put in due execution, that his Subjects may have no cause to complain of any wrong or oppressions, contrary to their just Rights and Liberties, to the preservation whereof he holds himself in Conscience as well obliged, as of his Prerogative. *see his full answ. p. 625.* F

The Answer debated.

On *Tuesday June* 3. the King's Answer was read in the House of Commons, and seemed too scant, in regard of so much expence of time and labour as

4 *Caroli.*

as had been imployed in contriving the petition: Whereupon Sir *John Elliot* ſtood up and made a long Speech, wherein he gave forth ſo full and lively repreſentation of all Grievances, both general and particular, as if they had never before been mentioned.

Sir Jo. Elliots Speech in the laying open of grievances.

A "HE reduced the Cauſe of all our evils to Five heads: Our inſincerity "and doubling in Religion, which he exemplified by the freedome "and increaſe of Papiſts; by the compoſition with them in the North; "the ſlightneſs of thoſe payments, and the eaſineſs in them; by the hopes, "preſumptions, and reports of all the Papiſts generally; by the diſpoſition "of Commanders, the truſt of Officers, the confidence of ſecrecies of em- "ployments in this Kingdom, in *Ireland*, and elſewhere.

B "2. Our want of Councel, which ſacrificed our honour and our men ſent "to the Palatinate, ſtopping thoſe greater ſupplies appointed for that Ser- "vice, by which it might have been made defenſible; this gave direction to "that late expedition to *Ree*, whoſe wounds are yet bleeding, by means "whereof the Proteſtants of *France*, and their King by a neceſſary conſe- "quence are divided, and that Countrey ſo prepared againſt us, that we have "nothing to promiſe our neighbours, hardly for our ſelves, inſomuch as by "the iſſue and ſucceſs it may rather be thought a conception of *Spain*, then "begotten here by us.

C "3. The inſufficiency and unfaithfulneſs of our Generals: Witneſs firſt the "expedition to *Cales*, where we arrived and found a Conqueſt ready (*viz.*) the "*Spaniſh* ſhips fit for the ſatisfaction of a voyage, either in point of honour, "or in point of profit: why was it neglected? why was it not atchieved, it "being granted on all hands feaſible? when the whole Army landed, why "was there nothing attempted? if nothing were intended, wherefore did "they land? if there were a ſervice, why were they ſhipt again? Witneſs "ſecondly that to *Ree*, where the whole action was carried againſt the judge- "ment and opinion of the Officers, (*viz.*) thoſe that were of the Councel; "was not the firſt, was not the laſt, was not all, at land in the intrenching, in "the continuance there, in the aſſault, in the retreat, without their aſſent?

D "to ſay nothing of leaving the Wines and the Salt which were in our poſ- "ſeſſion, and of a value, as they ſay, to anſwer much of our expence; nor "of that wonder which no *Alexander* or *Cæſar* ever did know, the enriching "of an enemy by curteſies, when the Souldiers want help, nor of the pri- "vate entercourſes and parlies with the Fort, which continually were held; "what they intended, may be read in the ſucceſs.

"3. Witneſs the laſt voyage to *Rotchel*, which needs no obſervation, and "is freſh in memory.

E "4. Head is the ignorance and corruption of our Miniſters. Survey the "Court, ſurvey the Countrey, the Church, the City, the Bar, the Bench, the "Courts, the Shipping, the Land, the Seas, all will yield variety of proofs: "The Exchequer is empty, the reputation thereof gone, the ancient Lands "are ſold, the Jewels pawn'd, the Plate ingaged, the debt ſtill great, almoſt "all charges both extraordinary and ordinary by Projects.

F "5. The oppreſſion of the Subject, it needs no demonſtration, the "whole Kingdom is a proof, and that oppreſſion ſpeaks the exhauſting of "our treaſures, what waſte of our Proviſions, what conſumption of our Ships, "what deſtruction of our men have been? witneſs the voyage to *Algier*, "witneſs that of *Mansfield*; witneſs that to *Cales*, witneſs the next, witneſs "that to *Ree*; witneſs the laſt, witneſs the *Palatinate*, witneſs the *Turks*, "witneſs the *Dunkirks*, witneſs all; we were never ſo much weakned, nor "had leſs hopes how to be reſtored.

An. 1628.

"These Mr. Speaker are our dangers, these are they do threaten us, and "those are like that *Trojan* Horse, brought in cunningly to surprize us, in "these do lurk the strongest of our enemies ready to issue on us, and if we "do not now the more speedily expel them, these are the sign, the invitation "to others.

"These will prepare their entrance, that we shall have no means left of "refuge or defence; for if we have these enemies at home, how can we "strive with those that are abroad: if we be free from these, no other can im- A "peach us: Our ancient English vertue, that old Spartan valor cleared from "these disorders, being in sincerity of Religion once made friends with Hea- "ven, having maturity of Councels, sufficiency of Generals, incorruption "of Officers, opulency in the King, Liberty in the People, repletion in "Treasures, restitution of Provisions, reparation of Ships, preservation "of Men:

"Our ancient English vertue thus rectified, I say, will secure us, and unless B "there be a speedy reformation in these, I know not what hopes or expe- "ctations we may have.

"These things, Sir, I shall desire to have taken into consideration, that "as we are the great Councel of the Kingdom, and have the apprehension "of these dangers, we may truly represent them unto the King, wherein I "conceive we are bound by a treble Obligation of duty unto God, of duty "to his Majesty, and of duty to our Countrey.

"And therefore I wish it may so stand with the Wisdom and Judgement "of the House, that they may be drawn into the body of a Remonstrance, C "and therein all humbly expressed with a Prayer unto his Majesty for the "safety of himself, and for the safety of the Kingdom, and for the safety "of Religion: That he will be pleased to give us time to make perfect in- "quisition thereof, or to take them into his own Wisdom, and there give "them such timely reformation, as the necessity of the Cause and his Justice "doth import.

"And thus, Sir, with a large affection and loyalty to his Majesty, and with "a firm duty and service to my Countrey, I have suddenly, and it may be, D "with some disorder expressed the weak apprehension I have, wherein if I "have erred, I humbly crave your pardon, and so submit to the censure of "the House.

Some against the recapitulating of Grievances.

IT seemed to others not suteable to the wisdom of the House in that con- E juncture, to begin to recapitulate those misfortunes which were now obvious to all, accounting it more discretion not to look back, but forward: and since the King was so near to meet him, that the happiness expected might not be lost: and these were for petitioning his Majesty for a fuller Answer.

Exceptions to Sir John Elliots Speech.

IT was intimated by Sir *Henry Martin*, that this Speech of Sir *John Elliot* was suggested from disaffection to his Majesty; and there wanted not some who said, it was made out of some distrust of his Majesties Answer to the Petition; but Sir *John Elliot* protested the contrary, and that himself F and others had a resolution to open these last mentioned Grievances, to satisfie his Majesty therein, onely they stayed for an opportunity: Which averment of Sir *John Elliots* was attested by Sir *Thomas Wentworth*, and Sir *Robert Phillips*.

Whilst

4 *Caroli.*

More exceptions.

WHilſt Sir *John Elliot* was ſpeaking, an interruption was made by Sir *Humphrey May*, expreſſing a diſlike; but he was commanded by the Commons to go on: and being afterward queſtioned for a Paſſage in that Speech, *viz. That ſome actions ſeemed to be but conceptions of* Spain, he explained himſelf, That in reſpect of the affairs of *Denmark*, the ingagement of that unfortunate accident of *Ree*, he conceived was a conception of *Spain*, rather then to have any motion from our Councel here.

A

Sir Edward Cook.

IN this Debate Sir *Edward Cook* propounded, That an humble Remonſtrance be preſented to his Majeſty, touching the dangers and means of ſafety of King and Kingdom: which Reſolution was taken by the Houſe, and thereupon they turned themſelves into a Grand Committee, and the Committee for the Bill of Subſidies was ordered to expedite the ſaid Remonſtrance.

B

A Meſſage was brought from the King by the Speaker.

A Meſſage from the King to the Houſe of Commons, to end the Seſſions.

"THat his Majeſty having upon the Petition, exhibited by both Houſes, "given an Anſwer full of Juſtice and Grace, for which we and our po- "ſterity have juſt cauſe to bleſs his Majeſty, it is now time to grow to a con- "cluſion of a Seſſion, and therefore his Majeſty thinks fit to let you know, C "That as he doth reſolve to abide by that Anſwer, without further change "or alteration, ſo he will Royally and Really perform unto you what he "hath thereby promiſed: and further, That he reſolves to end this Seſſion "upon *Wedneſday* the 11 of this Moneth, and therefore wiſheth that the "Houſe will ſeriouſly attend theſe buſineſſes, which may beſt bring the "Seſſion to a happy concluſion, without entertaining new matters, and ſo "husband the time that his Majeſty may with the more comfort bring us "ſpeedily together again: at which time, if there be any further Grievances D "not contained, or expreſſed in the Petition, they may be more maturely "conſidered then the time will now permit.

After the reading of this Meſſage, the Houſe proceeded with a Declaration againſt Doctor *Manwaring*, which was the ſame day preſented to the Lords at a Conference, betwixt the Committees of both Houſes of Parliament: and Mr. *Pimm* was appointed by the Houſe of Commons to manage that Conference.

E

The Declaration of the Commons againſt Dr. Manwaring, Clerke and Doctor in Divinity.

FOr the more effectual prevention of the apparent ruine and deſtruction of this Kingdom, which muſt neceſſarily enſue, if the good and fundamental Laws and Cuſtoms therein eſtabliſhed, ſhould be brought into contempt and violated, and that form of Government thereby altered, by which it hath been ſo long maintained in peace and happineſs, and to the honor of our ſoveraign Lord the King, and for the preſervation of his Crown and Dignity: The Commons in this preſent Parliament aſſembled, do by this their Bill ſhew, and declare againſt Roger Manwaring, Clerk, Dr. in Divinity, That whereas by the Laws and Statutes of this Realm, the free Subiects of England

F

An. 1628.

do undoubtedly inherit this Right and Liberty, not to be compelled to contribute any Tax, Tollage, Aid, or to make any Loans not set or imposed by common consent, by Act of Parliament. And divers of his Majesties loving Subjects relying upon the said Laws and Customes, did in all humility refuse to lend such sums of Moneys, without Authority of Parliament, as were lately required of them.

Nevertheless he the said Roger Manwaring in contempt, and contrary to the Laws of this Realm, hath lately preached in his Majesties presence two several Sermons, That is to say, the fourth day of July last one of the said Sermons, and upon the 29. day of the same Moneth the other of the said Sermons, both which Sermons he hath since published in print in a Book intituled Religion and Allegiance: and with a wicked and malicious intention to seduce and misguide the Conscience of the Kings most excellent Majesty, touching the observation of the Laws and Customes of this Kingdom, and of the Rights and Liberties of the Subjects, to incense his Royal displeasure against his good Subjects so refusing, to scandalize, subvert and impeach the good Laws and Government of this Realm, and the Authority of the High Court of Parliament, to alienate his Royal heart from his People, and to cause jealousies, sedition and division in the Kingdom. He the said Roger Manwaring doth in the said Sermons and Book perswade the Kings most excellent Majesty,

First, that his Majesty is not bound to keep and observe the good Laws and Customes of this Realm, concerning the Rights and Liberties of the Subjects aforementioned: And that his Royal Will and Command in imposing Loans, Tares and other Aids upon his people without common consent in Parliament, doth so far binde the Consciences of the Subjects of this Kingdom, that they cannot refuse the same without peril of eternal damnation.

Secondly, that those of his Majesties loving Subjects which refused the Loan aforementioned in such manner, as is before recited, did therein offend against the Law of God, against his Majesties Supreme Authority, and by so doing became guilty of Impiety, Disloyalty, Rebellion and Disobedience, and liable to many other Tares, and Censures, which he in the several parts of his Book doth most falsly and maliciously lay upon them.

Thirdly, that Authority of Parliaments is not necessary for the raising of Aids and Subsidies, that the slow proceedings of such Assemblies are not fit for the supply of the urgent necessities of the State, but rather apt to produce sundry impediments to the just designs of Princes, and to give them occasion of displeasure and discontent.

All which the Commons are ready to prove, not only by the general scope of the same Sermons and Book, but likewise by several Clauses, Assertions, and Sentences therein contained: and that he the said Roger Manwaring by preaching and publishing the Sermons and Book aforementioned, did most unlawfully abuse his holy function, instituted by God in his Church for the guiding of the Consciences of all his Servants, and chiefly of Soveraign Princes and Magistrates, and for the maintenance of the peace and concord betwixt all men, especially betwixt the King and his People, and hath thereby most grievously offended against the Crown and Dignity of his Majesty, and against the Liberty and good Government of this State and Common-wealth. And the said Commons by protestation saving to themselves the Liberty of exhibiting at any time hereafter any other accusation or impeachment against the said Roger Manwaring, and also of replying to the answers which he the said Roger shall make unto any of the matters contained in this present Bill of Complaint, and of offering further proof of the premises, or of any of them, as the Cause according to the Course of Parliament shall require, do pray that the said Roger Manwaring may be put to answer to all and every the premises, and that such

such proceeding, examination, trial, judgement, and exemplary punishment may be thereupon had and executed, as is agreeable to Law and Justice. 4 Caroli.

This Declaration ingrossed in Parliament being read, Mr. Pym addressed himself to the Lords in this manner.

A

"THat he should speak to this Cause with more confidence, because he "saw nothing out of himself that might discourage him: If he consider- "ed the matter, the Offences were of an high nature, of easie proof; if he "considered their Lordships, who were the Judges of their own interest, "their own honour, the example of their Ancestors, the care of their Poste- B "rity, would all be Advocates with him in this Cause on the behalf of the "Commonwealth; if he considered the King our Soveraign (the pretence "of whose Service and Prerogative might perchance be sought unto as a "Defence and Shelter for this Delinquent) he could not but remember that "part of his Majesties Answer to the Petition of Right of both Houses, "that he held himself bound in conscience to preserve those Liberties which "this man would perswade him to impeach: He said further, that he could "not but remember his Majesties love to Piety and Justice manifested C "upon all occasions, and he knew love to be the root, and spring of all "other passions and affections. A man therefore hates, because he sees some- "what in that which he hates contrary to that which he loves; a man there- "fore is angry, because he sees somewhat in that wherewith he is angry, that "gives impediment and interruption to the accomplishment of that which "he loves.

Mr. Pyms Speech at the delivery of the charge against Dr. Manwaring.

"If this be so, by the same act of his Apprehension by which he be- "lieves his Majesties love to Piety and Justice, he must needs believe his D "hate and detestation of this man, who went about to withdraw him from "the exercise of both.

Then he proceeded to that which he said was the Task enjoyned him, "to make good every Clause of that which had been read unto them: which "that he might the more clearly perform, he prepounded to observe that "order of parts unto which the said Declaration was naturally dissolved.

"1. Of the Preamble.

"2. The Body of the Charge. E

"3. The Conclusion or Prayer of the Commons.

"The preamble consisted altogether of recitals; first of the Inducements "upon which the Commons undertook this complaint.

"The second of those Laws and Liberties against which the offence was "committed.

"The third of the violation of those Laws which have relation to that "offence.

F "From the connexion of all those recitals (he said) there did relult three "Positions, which he was to maintain as the ground-work and foundation of "the whole Cause.

"The first, that the form of Government in any State could not be al- "tered without apparent danger of ruine to that State.

"The second, the Law of *England*, whereby the Subjects was exempted

"from

An. 1628.

"from Taxes and Loans not granted by common consent of Parliament, was "not introduced by any Statute, or by any Charter or Sanction of Princes, "but was the Antient and Fundamental Law issuing from the first frame and "constitution of the Kingdom.

"The third, that this Liberty of the Subject is not onely most conve- "nient and profitable for the People, but most honourable, most necessary "for the King, yea in that point of supply for which it was endeavored to "be broken.

"The form of Government is that which doth actuate and dispose every "part and member of a State to the common good; and as those parts "give strength and ornament to the whole, so they receive from it again "strength and protection in their several stations and degrees.

"If this mutual relation and intercourse be broken, the whole frame "will quickly be dissolved, and fall in pieces, and in stead of this concord and "interchange of support, whilest one part seeks to uphold the old form of "Government, and the other part to introduce a new, they will miserably "consume and devour one another. Histories are full of the calamities of "whole States and Nations in such cases. It is true, that time must needs "bring some alterations, and every alteration is a step and degree to- "wards a dissolution; those things onely are eternal which are constant and "uniform: Therefore it is observed by the best Writers upon this Subject, "that those Commonwealths have been most durable and perpetual which "have often reformed and recomposed themselves according to their first "Institution and Ordinance; for by this means they repair the breaches, and "counterwork the ordinary and natural effect of time.

"The second question is as manifest, there are plain footsteps of those "Laws in the Government of the *Saxons*, they were of that vigor and "force as to overlive the Conquest, nay to give bounds and limits to the "Conqueror, whose victory gave him first hope; but the assurance and "possession of the Crown he obtained by composition, in which he bound "himself to observe these and the other antient Laws and Liberties of the "Kingdom, which afterwards he likewise confirmed by oath at his Co- "ronation: from him the said Obligation descended to his Successors. It is "true, they have been often broken, they have been often confirmed by "Charters of Kings, by Acts of Parliaments; but the Petitions of the "Subjects, upon which those Charters and Acts were founded, were ever "Petitions of Right, demanding their antient and due Liberties, not "suing for any new.

"To clear the third Position (he said) may seem to some men more a "Paradox, That those Liberties of the Subject should be so honorable, so "profitable for the King, and most necessary for the supply of his Majesty. "It hath been upon another occasion declared, that if those Liberties were "taken away, there should remain no more industry, no more justice, no "more courage; who will contend, who will endanger himself for that "which is not his own?

"But he said he would not insist upon any of those points, nor yet upon "other very important; he said, that if those Liberties were taken away, "there would remain no means for the Subjects, by any act of Bounty or "Benevolence, to ingratiate themselves to their Soveragn.

"And he desired their Lordships to remember what profitable Preroga- "tives the Laws had appointed for the support of Soveraignty; as Ward- "ships, Treasures trove, Felons goods, Fines, Amercements, and "other Issues of Courts, Wrecks, Escheats, and many more too long to

"be

4 Caroli.

"be enumerated; which for the moſt part are now by Charters and Grants
"of ſeveral Princes diſperſed into the hands of private Perſons; and that
"beſides the antient Demeaſnes of the Crown of *England*, *William* the
"Conquerot did annex, for the better maintenance of his Eſtate, great
"proportions of thoſe Lands, which were confiſcate from thoſe Engliſh
"which perſiſted to withſtand him, and of theſe very few remain at this day
"in the Kings poſſeſſion. And that ſince that time the revenue of the Crown
A "had been ſupplied and augmented by Attainders, and other Caſualties in
"the age of our Fathers, by the diſſolution of Monaſteries and Chantries,
"neer a third part of the whole Land being come into the Kings poſſeſsion:
"He remembred further that conſtant and profitable Grant of the Sub-
"jects in the Act of Tonnage and Poundage: And all theſe he ſaid were
"ſo alienated, anticipated, overcharged with annuities and aſſignments,
"that no means were left for the preſsing and important occaſions of this
"time, but the voluntary and free gift of the Subjects in Parliament.

B "The hearts of the People, and their bounty in Parliament, is the
"onely conſtant Treaſure and Revenue of the Crown, which cannot
"be exhauſted, alienated, anticipated, or otherwiſe charged and incum-
"bred.

In his entrance into the ſecond part he propounded theſe Steps, by which he meant to proceed.

"1. To ſhew the ſtate of the Cauſe, as it ſtood both in the Charge and
"in the Proof, that ſo their Lordſhips might the better compare them both
C "together.

"2. To take away the pretences of mitigations and limitations of his
"Opinions, which the Doctor had provided for his own defence.

"3. To obſerve thoſe circumſtances of Aggravation, which might pro-
"perly be annexed to his Charge.

"4. To propound ſome Precedents of former times, wherein though he
"could not match the offence now in queſtion (for he thought the like be-
"fore had never been committed) yet he ſhould produce ſuch as ſhould ſuf-
D "ficiently declare, how forward our Anceſtors would have been in the pro-
"ſecution, and condemning of ſuch offences, if they had been then com-
"mitted.

"The Offence was preſcribed in a double maner, Firſt, by the general
"ſcope and intention, and by the matter and particulars of the Fact,
"whereby that intention was expreſſed.

"In the deſcription of the intention he obſerved ſix Points, every one
"of which was a Character of extreme malice and wickedneſs.

E "1. His attempt to miſguide and ſeduce the Conſcience of the King.

"2. To incenſe his Royal Diſpleaſure againſt his Subjects.

"3. To ſcandalize, impeach and ſubvert the good Laws and Government
"of the Kingdom, and Authority of Parliaments.

"4. To avert his Majeſties minde from calling of Parliaments.

"5. To alienate his royal Heart from his People.

"6. To cauſe Jealouſies, Sedition, and Diviſion in the Kingdom.

"Of theſe particulars (he ſaid) he would forbear to ſpeak further, till he
F "ſhould come to thoſe parts of the Fact, to which they were moſt properly
"to be applied.

"The Materials of the Charge were contrived into three diſtinct Articles,
"the firſt of theſe comprehended two Clauſes.

"1. That his Majeſty is not bound to keep and obſerve the good Laws
"and Cuſtoms of the Realm, concerning the right and liberty of the Sub-

An. 1628.

"ject to be exempted from all Loans, Taxes, and other Aids laid upon them,
"without common consent in Parliament.

"2. That his Majesties Will and Command in imposing any Charges
"upon his Subjects without such consent, doth so far bind them in their
"Consciences, that they cannot refuse the same without peril of eternal
"damnation.

"Two kinds of Proof were produced upon this Article.

"The first was from some assertions of the Doctors, concerning the A
"power of Kings in general, but by necessary consequence to be applied to
"the King of *England*.

"The next kinde of Proof was from his Censures, and determinations
"upon the particular Case of the late Loan, which by necessity and parity
"of reason, were likewise applicable to all Cases of the like nature. And
lest by frailty of memory he might mistake the words, or invert the sense,
he desired leave to resort to his Paper, wherein the places were carefully
extracted out of the Book it self. And then he read each particular Clause B
by it self, pointing to the Page for proof, which we here forbear to men-
tion, referring the Reader to the Book it self.

"Then he proceeded and said, That from this evidence of the Fact doth
"issue a clear evidence of his wicked intention to misguide and seduce the
"Kings Conscience, touching the observation of the Laws and Liberties of
"the Kingdom, to scandalize and impeach the good Laws and Govern-
"ment of the Realm, and the Authority of Parliaments, which are two
"of those Characters of malice which he formerly noted, and now in- C
"forced thus: If to give the King ill Counsel, in some one particular Acti-
"on, hath heretofore been heavily punished in this high Court, how much
"more hainous must it needs be thought by ill Counsel to pervert and se-
"duce his Majesties Conscience, which is the soveraign Principle of all
"moral Actions, from which they are to receive warrant for their direction
"before they be acted, and Judgement for their reformation afterwards?
"If *Scandalum magnatum*, Slander and Infamy cast upon great Lords and
"Officers of the Kingdom, have been always most severely censured, how D
"much more tender ought we to be of that Slander and Infamy, which is
"here cast upon the Laws and Government, from whence is derived all the
"Honor and Reverence, which is due to those great Lords and Magistrates?
"All men (and so the greatest and highest Magistrates) are subject to pas-
"sions and partialities, whereby they may be transported into overhard in-
"jurious Courses? Which Considerations may sometimes excuse, though
"never justifie the railing and evil speeches of men, who have been so pro-
"voked, it being a true rule, That whatsoever gives strength and inforce- E
"ment to the temptation in any sin, doth necessarily imply an abatement
"and diminution of guilt in that sin. But to slander and disgrace the Laws
"and Government, is without possibility of any such excuse, it being a
"simple act of a malignant Will, not induced nor excited by any outward
"provocation: the Laws carrying an equal and constant respect to all, ought
"to be reverenced equally by all. And thus he derived the Proofs and In-
"forcements, upon the first Article of the Charge.

"The second Article he said contained three Clauses. F

"1. That these refusers had offended against the Law of God.

"2. Against the supreme Authority.

"3. By so doing, were become guilty of Impiety, Disloyalty, Rebellion,
"Disobedience, and lyable to many other Taxes.

"For proof of all these (he said) he needed no other evidence then what

"might

4 Caroli.

"might be easily drawn from those places which he had read already; for
"what impiety can be greater, then to contemn the Law of God, and to pre-
"fer humane Laws before it? what greater disloyalty, rebellion and disobedi-
"ence, then to depress supreme Authority, to tye the hands and clip the wings
"of Soveraign Princes? Yet he desired their Lordships patience in hearing
"some few other places, wherein the Stains and Taint, which the Doctor en-
"deavored to lay upon the Refusers, might appear by the odiousness of
A "their comparisons, in which he doth labor to rank them.

"The first Comparison is with Popish Recusants; yet he makes them
"the worst of the two, and for the better resemblance, gives them a new
"name of Temporal Recusants.

"For this he alledgeth the 1. Sermon, Page 31, 32. and part of the fifth
"Consideration, by which he would perswade them to yield to this Loan.

"Fifthly, If they would consider what advantage this their Recusancy in
"Temporals, gives to the common adversary, who for disobedience in
B "Spirituals, have hitherto alone inherited that name: for that which we
"our selves condemn in them for so doing, and profess to hate that Reli-
"gion which teacheth them so to do, that is, to refuse subjection unto
"Princes in Spirituals; the same, if not worse, some of our side now (if ours
"they be) dare to practise.

"We must needs be argued of less Conscience, and more Ingratitude both
"to God and the King, if in Temporal things we obey not: They in Spi-
"rituals deny subjection, wherein they may perhaps frame unto themselves
C "some reasons of probability, that their offence is not so hainous, if we
"in Temporals shall be so refractory: what colour of reason can we possibly
"finde to make our defence withal, without the utter shaming of our selves,
"and laying a stain which cannot easily be washed out, upon that Religion
"which his Majesty doth so graciously maintain, and our selves profess?

"The second Comparison is with Turks and Jews, in the 2. Sermon,
"Page 47. What a Paradox is, &c. What a Turk will do for a Christian,
"and a Christian for a Turk, and a Jew for both, &c. the same and
D "much less Christian men should deny to a Christian King.

"The third Comparison is with *Corah*, *Dathan* and *Abiram*, *Theudas* and
"*Judas*, which is taken out of the second Sermon, Page 49. where he labors
"to deprive those refusers of all merit in their sufferings for this Cause.

"*Corah*, *Dothan* and *Abiram*, whom for their murmurings God suddenly
"sunk into Hell fire, might as well alledge their sufferings had some resem-
"blance with that of the three Children, in the Babylonian Furnace, and
"*Theudas* and *Judas* the two Incendiaries of the people in the days of *Cæsars*
E "tribute, might as well pretend their Cause to be like the *Maccabees*.

"Thus he ended the second Article of the Charge, upon which he said
"were imprinted other two of these six Characters of malice formerly ven-
"ted: That is, a wicked intention to increase his Majesties displeasure a-
"gainst his good Subjects so refusing, and to alienate his heart from the rest
"of his People: Both which were Points so odious, that he needed not to
"adde any further inforcement or illustration.

F "The third Article conteined three Clauses.

"1. That Authority of Parliament is not necessary for the raising of Aids,
"and Subsidies.

"2. That the slow proceedings of such Assemblies, are not fit to supply
"the urgent necessity of the State.

"3. That Parliaments are apt to produce sundry Impediments to the just
"designs of Princes, and to give them occasion of displeasure and discontent.

An. 1628.

"For proof of all which he alledged two places, conteining the two first "of those six Considerations, which are propounded by the Doctor, to in- "duce the refusers to yield to the Loan in the first Sermon, Page 26, 27.

"First, if they would please to consider, that though such Assemblies as "are the highest and greatest Representations of a Kingdom, be most Sa- "cred and Honorable, and Necessary also to those ends to which they were "at first instituted: yet know we must that ordained they were not to this "end, to contribute any Right to Kings, whereby to challenge tributary A "Aids and Subsidiary helps, but for the more equal imposing, and more easie "exacting of that which unto Kings doth appertain by natural and original "Law and Justice, as their proper inheritance annexed to their Imperial "Crowns from their Birth. And therefore if by a Magistrate that is Su- "preme, if upon necessity, extreme and urgent, such subsidiary helps be "required, a proportion being held respectively to the ability of the per- "sons charged, and the sum and quantity so required surmount not too re- "markably the use and charge for which it was levyed, very hard would it B "be for any man in the World, that should not accordingly satisfie such "demands, to defend his conscience from that heavy prejudice of resisting "the Ordinance of God, and receiving to himself damnation; though eve- "ry of those circumstances be not observed, which by the municipal Law "is required.

"Secondly, if they would consider the importunities that often may be "urgent, and presing necessaries of State, that cannot stay without cer- "tain and apparent danger, for the motion and revolution of so great and C "vast a Body as such Assemblies are, nor yet abide their long and pausing "deliberation when they are assembled, nor stand upon the answering of "those jealous and over-wary Cautions and Objections made by some, who "wedded overmuch to the love of epidemical and popular Errors, and bent "to cross the most just and lawful designs of their wise and gratious So- "veraign; and that under the plausible shews of singular liberty and free- "dom, which if their Conscience might speak, would appear nothing "more then the satisfying either of private humors, passions, or purposes. D

"He said he needed not draw any Arguments or Conclusions from these "places; the substance of the Charge appeared sufficiently in the words "themselves, and to this third Article he fixed two other of these six "Characters of malice, That it is his wicked intention to avert his Maje- "sties minde from calling of Parliaments, and to cause Jealousies, Seditio- "ons, and Divisions in the Kingdom: which he shortly inforced thus. If "Parliaments be taken away, Mischiefs and Disorders must needs abound, "without any possibility of good Laws to reform them; Grievances will E "dayly increase without opportunity or means to redress them; and what "readier way can there be to distractions betwixt the King and People, to "tumults and distempers in the State, then this?

"And so he concluded this third Article of the Charge.

"The Limitations whereby the Doctor had provided to justifie (or at "least to excuse) himself, were propounded to be three.

"1. That he did not attribute to the King any such absolute Power as "might be exercised at all times, or upon all occasions, according to his F "own pleasure, but onely upon necessity, extreme and urgent.

"2. That the sum required, must be proportionable to the ability of the "party, and to the use and occasion.

"3. That he did not say, That the substance of the Municipal or Nati- "onal Laws might be omitted or neglected, but the Circumstances onely.

"To

4 Caroli.

"To these were offered three Answers, the first general, the other two
"particular. The general Answer was this, that it is all one to leave the
"Power absolute, and to leave the judgement arbitrary when to execute
"that Power; for although these limitations should be admitted, yet it is
"left to the King alone to determine, what is an urgent and pressing ne-
"cessity, what is a just proportion both in respect of the ability, and of the
"use and occasion; and what shall be said to be a Circumstance, and what
A "of the Substance of the Law; and the Subject is left without remedy: the
"legal bounds being taken away, no private person shall be allowed to
"oppose his own particular opinion in any of these points to the Kings
"Resolution; so that all these limitations, though specious in shew, are
"in effect fruitless and vain.

"The first particular Answer applied to that limitation of urgent ne-
"cessity, was taken from the case of *Normandy*, as it appears in the Comen-
"taries of *Guilme Fermie* upon the customary Laws of that Dutchy: they
B "having been oppresst with some grievances, contrary to this Franchise,
"made their complaint to *Lewis* the tenth, which by his Charter in the
"year 1314. acknowledging the Right and Custome of the Countrey, and
"that they had been unjustly grieved, did grant and provide that from
"thence forward they should be free from all Subsidies and Exactions
"to be imposed by him and his Successors, yet with this clause, *Si neces-*
"*sitie grand ne le requiret:* which small exception has devoured all these Immu-
"nities; for though these States meet every year, yet they have little or
C "no power left, but to agree to such Levies as the King will please to make
"upon them.

"The second particular Answer applied to the limitation and diminution
"of this Power, which may be pretended to be made by this word *Circum-*
"*stance*, as if he did acknowledge the King to be bound to the substance of
"the Law, and free onely in regard of the manner; whereas if the places
"be observed, it will appear that he intends by that word, *the Assembly of*
"*Parliaments, and assent of the People*, such Contribution which is the very
D "Substance of the Right and Liberty now in question.

"The Circumstances of Aggravation observed to be annexed to this
"Cause were these.

"The first from the place where these Sermons were preached; the
"Court, the Kings own Family, where such Doctrine was before so well
"believed, that no man needed to be converted. Of this there could be
"no end, but either Simoniacal, by flattery and soothing to make way
"for his own preferment, or else extreme malitious, to add new afflictions
E "to those who lay under his Majesties wrath, disgraced and imprisoned,
"and to enlarge the wound which had been given to the Laws and Liberties
"of the Kingdom.

"The second was from the consideration of his holy Function: He is a
"Preacher of Gods Word; and yet he had endeavoured to make that
"which was the onely rule of Justice and Goodness, to be the warrant for
"violence and oppression. He is a Messenger of Peace, but he had endea-
F "voured to sow strife and dissension, not onely amongst private persons,
"but even betwixt the King and his People, to the disturbance and danger
"of the whole State: He is a Spiritual Father, but like that evil Father
"in the Gospel, he hath given his Children Stones in stead of Bread, in stead
"of Flesh he hath given them Scorpions. Lastly, he is a Minister of the
"Church of *England*, but he hath acted the part of a Romish Jesuit; they
"labour our destruction by dissolving the Oath of Allegiance taken by the
"People;

An. 1628.

"People; he doth the same work, by dissolving the Oath of Protection "and Justice taken by the King.

"A third point of Aggravation was drawn from the quality of these "Authors, upon whose authority he doth principally rely, being for the "most part Fryers and Jesuits, and from his fraud and shifting in citing those "Authors to purposes quite different from their own meanings.

"Touching which it was observed, that most of his places are such as "were intended by the Authors concerning absolute Monarchies, not re- A
"gulated by Laws or Contracts betwixt the King and his People; and in "answer to all Authorities of this kinde were alledged certain passages of a "Speech from our late Soveraign King *James* to the Lords and Commons "in Parliament 1609.

"In these our times we are to distinguish betwixt the state of Kings in "their first original, and between the state of setled Kings and Monarchs "that do at this time govern in Civil Kingdoms, &c.

"Every just King in a setled Kingdom is bound to observe the paction B
"made to his People by his Laws, in framing his Government agreeable "thereunto, &c.

"All Kings that are not Tyrants or perjured, will be glad to bound them-"selves within the limits of their Laws; and they that perswade them "to the contrary are Vipers and Pests, both against them and the Com-"monwealth.

"It was secondly observed, that in the 27. page of his first Sermon he C
"cites these words out of *Suarez de legibus, lib. 5. cap. 17. Acceptationem* "*populi non esse conditionem necessariam ex vi Juris naturalis aut gentium,* "*neque ex Jure communi*; the Jesuit adds, *neque ex antiquo Jure Hispaniæ*; "which words are left out by the Doctor, lest the Reader might be invited "to enquire what was *antiquum jus Hispaniæ*; and it might have been "learned from the same Author in another place of that Work, that "about two hundred years since, this liberty was granted to the People "by one of the Kings, that no Tribute should be imposed without their "consent; And the Author adds further, that after the Law introduced D
"and confirmed by Custome, the King is bound to observe it. From this "place he took occasion to make this short digression, That the Kings of "*Spain* being powerful and wise Princes would never have parted with such "a mark of absolute Royalty, if they had not found in this course more "advantage then in the other, and the success and prosperity of that King-"dom, through the valor and industry of the *Spanish* Nation so much ad-"vanced since that time, do manifest the wisedom of that change.

"The third observation of fraud, in perverting his Authors, was this, E
"In the twentieth Page of the first Sermon he cites these words out of the "same *Suarez de legibus, li. 5. ca. 15. fol. 300. Tributa esse maximè naturalia,* "*& præ se ferre Justitiam, quia exiguntur de rebus propriis*; This he pro-"duceth in proof of the just right of Kings to lay Tributes. And no "man that reads it doubts but that in *Suarez* opinion the Kings Interest "and Propriety in the Goods of his Subjects is the ground of that Justice; "But the truth is, that *Suarez* in that Chapter had distributed Tributes "into divers kinds, of which he calls one sort *tributum reale*, and describes F
"it thus, *Solent ita vocari pensiones quædam quæ penduntur regibus, &* "*principibus exteris & agris, quæ a principio ad sustentationem illis applicata* "*fuerunt, ipsi vero in feodum aliis ea donarunt sub certa pensione annua, quæ* "*jure civili Canon appellari solet, quia certa regula & lege præscripta erat*; So that the issue is, this which *Suarez* affirms for justification of one kinde

"of

4 Caroli.

" of Tribute, which is no more then a Fee farm of rent due by reservation
" in the grant of Kings own lands; the Doctor herein, worse then a
" Jesuit, doth wrest to the justification of all kinds of Tribute exacted by
" Imposition upon the goods of the Subjects, wherein the King had no
" interest or propriety at all.

" 4. The last aggravation was drawn from his behaviour since these
" Sermons preached, whereby he did continue still to multiply and increase
A " his offence, yea, even since the sitting of the Parliament, and his being
" questioned in Parliament; upon the fourth of *May* last he was so bold
" as to publish the same doctrine in his own parish Church of St. *Giles*; the
" points of which Sermons were these.

" That the King had right to order all, as to him should seem good, with-
" out any mans consent.

" That the King might require in time of necessity Aid; and if the
" Subjects did not supply, the King might justly avenge it.

B " That the Propriety of Estate and Goods was ordinarily in the Subject:
" but extraordinarily, (that is, in case of the Kings need) the King hath
" right to dispose them.

" These Assertions in that Sermon he said would be proved by very good
" testimony, and therefore desired the Lords that it might be carefully
" examined, because the Commons held it to be a great contempt to the
" Parliament for him to maintain that so publikely which was here que-
" stioned.

C " They held it a great presumption for a private Divine to debate the
" Right and Power of the King, which is a matter of such a nature, as
" to be handled only in this High Court, and that with moderation and
" tenderness; and so he concluded that point of aggravation.

" In the last place he produced some such precedents as might testifie
" what the opinion of our Ancestors would have been, if this case had
" fallen out in their time; And herein he said he would confine himself
" to the reigns of the first three *Edwards*, two of them Princes of great
D " glory; He began with the eldest, *Westm.* 1. *Ca.* 33.

" By this Statute 3. *Edw.* 1. provision was made against those who should
" tell any false News, or devise, by which any discord or scandal may arise
" betwixt the King, his People, and great Men of the Kingdom.

" 27. *Edw.* 3. *Rot. part. nu.* 20. It was declared by the Kings Proclamation
" sent into all the Counties of *England*, That they that reported that he
" would not observe the Great Charter were malitious people, who desired
" to put trouble and debate betwixt the King and his Subjects, and to
E " disturb the peace and good estate of the King, the People, and the
" Realm.

" 5. *Edw.* 2. *Inter novas ordinationes*, *Henry de Beamond* for giving the King
" ill Counsel against his Oath, was put from the Councel, and restrained
" for coming into the presence of the King under pain of confiscation and
" banishment.

" 19. *Edw.* 2. *Clause Minidors.* Commissions were granted to inquire
F " upon the Statute of *W.* 1. touching the spreading of News, whereby
" discord and scandal might grow betwixt the King and his People.

" 10. *Edw.* 3. *Clause M.* 26. Proclamations went out to arrest all them
" who had presumed to report that the King would lay upon the Wools
" certain sums besides the antient and due Customes, where the King calls
" these reports *exquisita mendacia, &c. quæ non tantum in publicam lasionem,*
" *sed in nostrum cedunt damnum, & dedecus manifestum.*

An. 1628.

"12. *Edw. 3. Rot. Almanie.* The King writes to the Archbishop of *Canterbury*, excusing himself for some impositions which he had laid, professeth his great sorrow for it, desires the Archbishop by Indulgences and other ways to stir up the People to pray for him, hoping that God would enable him by some satisfactory benefit to make amends, and comfort his Subjects for those pressures.

"To these temporal Precedents of antient times which were alledged, he added an Ecclesiastical Precedent out of a book called *Pupilla Oculi*, being published for the instruction of Confessors, in the Title *De participibus cum excommunicatis*, fol. 59. All the Articles of *Magna Charta* are inserted with this direction, *Has articulos ignorare non debent quibus incumbit confessiones audire infra provinciam Cantuariensem.*

"He likewise remembred the Proclamation 8. *Jac.* for the calling in and burning of Doctor *Cowel*'s book, for which these reasons are given, For mistaking the true state of the Parliament of the Kingdom, and fundamental constitution and priviledges thereof; For speaking irreverently of the Common Law, it being a thing utterly unlawful for any Subject to speak or write against that Law under which he liveth, and which we are sworn and resolve to maintain.

"From these Precedents he collected, that if former Parliaments were so careful of false rumors and news, they would have been much more tender of such doctrines as these, which might produce true occasions of discord betwixt the King and his People.

"If those who reported the King would lay Impositions, and break his Laws, were thought such hainous offenders, how much more should this man be condemned, who perswaded the King he is not bound to keep those Laws? If that great King was so far from challenging any right in this kinde, that he professed his own sorrow and repentance for grieving his Subjects with unlawful charges; If Confessors were enjoyned to frame the Consciences of the People to the observance of these Laws, certainly such Doctrine, and such a Preacher as this, would have been held most strange, and abominable in all these times?

"The third general part was the conclusion or prayer of the Commons, which consisted of three Clauses.

"First, they reserved to themselves liberty of any other accusation, and for this he said there was great reason, that as the Doctor multiplied his offences, so they may renew their accusations.

"Secondly, they saved to themselves liberty of replying to his Answer, for they had great cause to think that he who shifted so much in offending, would shift much more in answering.

"Thirdly, they desire he might be brought to examination and judgement; this they thought would be very important for the comfort of the present age, for security of the future against such wicked and malitious practises; And so he concluded, that seeing the cause had strength enough to maintain it self, his humble suit to their Lordships was, That they would not observe his infirmities and defects, to the diminution or prejudice of that strength.

NOt long after the Commons, by their Speaker, demanded Judgement of the Lords against the Doctor; who not accounting his submission with tears and grief, a satisfaction for the great offence wherewith he stood charged, gave this Sentence.

1. That Dr. *Manwaring* Doctor in Divinity shall be imprisoned, during the pleasure of the House.

2. That

2. That he be fined one thousand pounds to the King.

3. That he shall make such submission and acknowledgement of his offences, as shall be set down by a Committee in writing, both at the Bar and in the House of Commons.

4. That he shall be suspended for the time of three years from the exercise of the Ministery, and in the mean time a sufficient preaching Minister shall be provided out of his livings to serve the Cure: This suspension and provision to be done by the Ecclesiastical jurisdiction.

5. That he shall be hereafter disabled to have any Ecclesiastical Dignity, or Secular Office.

6. That he shall be for ever disabled to preach at the Court hereafter.

7. That his said Book is worthy to be burnt, and that for the better effecting of this, his Majesty may be moved to grant a Proclamation to call in the said Books, that they may be all burnt accordingly, in *London*, and both the Universities, and for the Inhibiting the printing thereof, upon a great penalty.

4. *Caroli.* Judgement given against Dr. Manwaring.

Doctor Manwarings *submission was in these words;*

MAy it please this Honorable House, I do here in all sorrow of Heart and true Repentance, acknowledge the many Errors and Indiscretions which I have committed, in preaching and publishing those two Sermons of mine, which I called *Religion and Allegiance*; and my great fault in falling upon this Theame again, and handling the same rashly and unadvisedly in my own Parish Church of St. *Giles* in the Fields, the fourth of *May* last past. I do humbly acknowledge those three Sermons to have been full of many dangerous Passages, Inferences, and scandalous Aspersions in most part of the same; And I do humbly acknowledge the Justice of this Honorable House, in that Judgement and Sentence passed upon me for my great offence; And I do from the bottom of my Heart crave pardon of God, the King, and this Honorable House, and the Church, and this Commonwealth in general, and those worthy Persons adjudged to be reflected upon by me, in particular, for these great Errors and Offences.

Roger Manwaring.

Dr. Manwarings submissions.

Another Message was brought from his Majesty by the Speaker, Tuesday 5 *of* June.

"HIs Majesty wished them to remember the Message he last sent them, "by which he set a day for the end of this Session, and he commanded "the Speaker to let them know, that he will certainly hold that day prefixed without alteration; and because that cannot be, if the House entertain "more business of length, he requires them that they enter not into or proceed with any new business, which may spend greater time, or which "may lay any Scandal or Aspersion upon the State-government, or Ministers thereof.

Another Message from the King.

SIr *Robert Phillips* upon this occasion expressed himself thus: "I perceive "that towards God and towards man, there is little hope after our humble and careful endeavors, seeing our Sins are many and so great: I consider my own infirmities, and if ever my Passions were wrought upon,

Sir Robert Phillips.

An. 1628.

"then now, this Message stirs me up especially, when I remember with "what moderation we have proceeded, I cannot but wonder to see the mi- "serable straight we are now in: What have we not done to have merited? "Former times have given wounds enough to the peoples Liberty, we came "hither full of wounds, and we have cured what we could, and what is the "return of all, but misery and desolation? What did we aim at, but to have "served his Majesty; and to have done that that would have made him "Great and Glorious? if this be a fault, then we are all Criminous: What A
"shall we do, since our humble purposes are thus prevented, which were "not to have laid any aspersion on the Government, since it tended to no "other end but to give his Majesty true information of his and our dan- "ger? And to this we are enforced out of a necessity of duty to the "King, our Country, and to Posterity; but we being stopped, and stop- "ped in such maner, as we are enjoyned, so we must now leave to be a "Councel. I hear this with that grief, as the saddest Message of the greatest "loss in the world; but let us still be wise, be humble, let us make a fair De- B
"claration to the King.

Sir John Elliot.

"OUr sins are so exceeding great (said Sir *John Elliot*) that unless we spee- "dily return to God, God will remove himself further from us; ye know "with what affection and integrity we have proceeded hitherto, to have "gained his Majesties heart, and out of a necessity of our duty were brought "to that course we were in: I doubt a misrepresentation to his Majesty "hath drawn this mark of his displeasure upon us: I observe in the Message "amongst other sad particulars, it is conceived that we were about to lay G
"some aspersions on the Government, give me leave to protest, That so clear "were our intentions, that we desire onely to vindicate those dishonors to "our King and Country, *&c.* It is said also, as if we cast some aspersions on "his Majesties Ministers, I am confident no Minister, how dear soever, can--

Here the Speaker started up from the seat of the Chair, apprehending Sir *John Elliot* intended to fall upon the Duke, and some of the Ministers of State, said, There is a command laid upon me, that I must command you D
not to proceed: whereupon Sir *John Elliot* sat down.

Sir Dudly Diggs.

"I Am as much grieved as ever, said Sir *Dudley Diggs*; Must we not pro- "ceed? let us sit in silence, we are miserable, we know not what to do.

Hereupon there was a sad silence in the House for a while, which was bro- B
ken by Sir *Nathaniel Rich*, in these words:

Sir Nathan. Rich.

"WE must now speak, or for ever hold our peace; for us to be silent "when King and Kingdom are in this calamity, is not fit. The "question is, Whether we shall secure our selves by silence, yea or no? I know "it is more for our own security, but it is not for the security of those for "whom we serve; let us think on them: some instruments desire a change; "we fear his Majesties safety, and the safety of the Kingdom, I do not say F T
"we now see it, and shall we now sit still and do nothing, and so be scat- "tered? Let us go together to the Lords, and shew our dangers, that we "may then go to the King together.

Others said, That the Speech lately spoken by Sir *John Elliot*, had given offence (as they feared) to his Majesty.

Where-

4. *Caroli.*

WHereupon the House declared, That every Member of the House is free from any undutiful Speech, from the beginning of the Parliament to that day; and Ordered, That the House be turned into a Committee, to consider what is fit to be done for the safety of the Kingdom; and that no man go out, upon pain of going to the Tower: But before the Speaker left the Chair, he desired leave to go forth; and the House ordered that he may go forth, if he please. And the House was hereupon A turned into a grand Committee, Mr. *Whitby* in the Chair.

The Commons declare that no undutiful Speech hath been spoken.

Mr. Wandesford.

"I Am as full of grief as others, said Mr. *Wandesford*, let us recollect our "English hearts, and not sit still, but do our duties; two ways are pro- "pounded, To go to the Lords, or to the King; I think it is fit we go to "the King, for this doth concern our Liberties, and let us not fear to make "a Remonstrance of our rights; we are his Counsellors; there are some "men which call evill good, and good evil, and bitter sweet: Justice is B "now called Popularity and Faction.

Sir Edw. Cook declares the Duke the cause of all our miseries.

THen Sir *Edw. Cook* spake freely; "We have dealt with that duty and "moderation that never was the like, *Rebus sic stantibus*, after such a vio- "lation of the Liberties of the Subject; let us take this to heart. In 30. "*E.* 3. were they then in doubt in Parliament to name men that misled "the King? they accused *John de Gaunt*, the Kings Son, and Lord *Latimer*, "and Lord *Nevel*, for misadvising the King, and they went to the Tower C "for it; now when there is such a downfal of the State, shall we hold our "tongues? how shall we answer our duties to God and men? 7. *H.* 4. *Parl.* "*Rot. numb.* 31, & 32. 11. *H.* 4. *numb.* 13. there the Council are complained "of, and are removed from the King; they mewed up the King, and dis- "swaded him from the Common Good; and why are we now retrived from "that way we were in? why may we not name those that are the Cause "of all our evils? In 4. *H.* 3. & 27. *E.* 3. & 13. *R.* 2. the Parliament "moderateth the Kings prerogative, and nothing grows to abuse, but this D "House hath power to treat of it: What shall we do? let us palliate no "longer; if we do, God will not prosper us. I think the *Duke of Buckingham* "is the cause of all our miseries, and till the King be informed thereof, we "shall never go out with honour, or sit with honour here; that man is the "Grievance of Grievances: let us set down the causes of all our dysasters, "and all will reflect upon him. As for going to the Lords, that is not *via* "*Regia*; our Liberties are now impeached, we are concerned; it is not "*via Regia*, the Lords are not participant with our Liberties.

Mr. Seldens advice for a Declaration against the Duke.

E "Mr. *Selden* advised that a Declaration be drawn under four heads. "1. To "expres the Houses dutiful carriage towards his Majesty. 2. To "tender their Liberties that are violated. 3. To present what the purpose "of the House was to have dealt in. 4. That that great Person, *viz.* the "*Duke*, fearing himself to be questioned, did interpose and cause this distra- "ction. All this time (said he) we have cast a mantle on what was done "last Parliament, but now being driven again to look on that man, let F "us proceed with that which was then well begun, and let the Charge be re- "newed that was last Parliament against him, to which he made an "Answer, but the particulars were sufficient, that we might demand "judgement on that Answer onely.

An. 1628.

Several heads agreed on for a Remonstrance.

IN conclusion, the House agreed upon several heads concerning innovation in Religion, the safety of the King and Kingdom, misgovernment, mistrust of our late designs, with the causes of them; And whilst it was moving to be put to the question, that the Duke of *Buckingham* shall be instanced to be the chief and principal cause of all those evils, the Speaker (who after he had leave to go forth, went privately to the King) brought this Message,

A Message from the King by the Speaker.

"THat his Majesty commands for the present they adjourn the House "till to morrow morning, and that all Committees cease in the mean "time. And the House was accordingly adjourned.

AT the same time the King sent for the Lord Keeper to attend him presently, the House of Lords was adjourned *ad libitum*, the Lord Keeper being returned, and the House resumed, his Lordship signified his Majesties desire, that the House and all Committees be adjourned till to morrow morning.

AFter this Message was delivered, the Lords House fearing a sudden dissolution, fell into consideration of the weak estate of the Kingdom, and of our Friends and Allies abroad, of the great strength of the House of *Austria*, and the King of *Spains* ambition, aspiring to an universal Monarchy, and his present great preparations for war. Hereupon the House was moved to name a select Committee, to represent these things to his Majesty, with the danger like to insue to this Kingdom, if the Parliament be dissolved without a happy conclusion. But being satisfied by the Lords of the privy Council, that there was no such cause of fear, as the House apprehended, the naming of a Committee was for that time deferred.

Having

4 Caroli.

Having met in our Collections with a Letter of Mr. *Alluredi*, to old Mr. *Chamberlain* of the Court of Wards; and being a concurrent proof to the Passages this day in the House; We have thought fit here to mention it, viz.

Sir,

A *YEsterday was a day of desolation among us in Parliament, and this day we*
A *fear will be the day of our dissolution. Upon Tuesday Sir* John Elliot *moved, that as we intended to furnish his Majesty with money, we should also supply him with Counsel, which was one part of the occasion why we were sent to the Country, and called for by his Majesty; And since that House was the greatest Councel of the Kingdom, where, or when should his Majesty have better Counsel then from thence; So he desired there might be a Declaration made to the King of the danger wherein the Kingdom stood by the decay and contempt of Religion, the insufficiency of his Generals, the unfaithfulness of his Officers,*
B *the weakness of his Councels, the exhausting of his Treasure, the death of his men, the decay of Trade, the loss of Shipping, the many and powerful Enemies, the few and the poor Friends we had abroad.*

In the enumerating of which, the Chancellor of the Dutchy said it was a strange language, yet the House commanded Sir John Elliot *to go on, then the Chancellor desired if he went on, that himself might go out, whereupon they all bad him begon, yet he stayed and heard him out, and the House generally inclined to such a Declaration to be presented in an humble and a modest manner,*
C *not prescribing the King the way, but leaving it to his Judgment for reformation; So the next day, being Wednesday, we had a Message from his Majesty by the Speaker that the Session should end on Wednesday, and that therefore we should husband the time, and dispatch the old businesses without entertaining new; intending to pursue their Declaration, they had this Message yesterday morning brought them which I have here inclosed sent you, which requiring not to cast or lay any aspersion upon any Minister of his Majesty, the house was much affected to be so restrained, since the House in former times had proceeded by*
D *finding and committing* John *of Gaunt the Kings Son and others, and of late have medled with, and sentenced the Lord Chancellor* Bacon, *and the Lord Treasurer* Cranfield. *Then Sir* Robert Philips *spake and mingled his words with weeping, Mr.* Prynne *did the like, and Sir* Edward Cook, *overcome with passion, seeing the desolation likely to ensue, was forced to sit down when he began to speak through the abundance of tears, yea the Speaker in his Speech*
E *could not refrain from weeping and shedding of tears, besides a great many whose great griefs made them dumb and silent, yet some bore up in that storm and incouraged others; In the end they desired the Speaker to leave the Chair, and Mr.* Whitby *was to come into it, that they might speak the freer and the frequenter, and commanded no man to go out of the House upon pain of going to the Tower; Then the Speaker humbly and earnestly besought the House to give*
F *him leave to absent himself for half an hour, presuming they did not think he did it for any ill intention; which was instantly granted him: then upon many Debates about their Liberties hereby infringed, and the eminent danger wherein the Kingdom stood; Sir* Edward Cook *told them, he now saw God had not accepted of their humble and moderate carriages and fair proceedings, and the rather, because he thought they dealt not sincerely with the King, and with the Country in making a true Representation of the causes of all these miseries, which now he repented himself since things were come to this pass, that he did it not sooner, and therefore he not knowing whether ever he should speak in this House again would now do it freely, and there protested that the author and cause of*

This must needs be a Mistake he coming having no such Instruction

An. 1628.

all those miseries was the Duke of Buckingham, *which was entertained and answered with a chearful acclamation of the House, as when one good Hound recouers the scent, the rest come in with a full cry: so they pursued it, and every one came on home, and laid the blame where they thought the fault was, and as they were Voting it to the Question whether they should name him in their intended Remonstrance, the Sole or the Principall cause of all their miseries at home and abroad: The Speaker having been three hours absent, and with the King, returned with this Message; That the House should then rise (being about eleuen a clock, and no Committees should sit in the afternoon) till to morrow morning; What we shall expect this morning God of Heaven knows. We shall meet timely this morning, partly for the businesse sake, and partly because two days since we made an Order, that whosoeuer comes in after prayers, payes twelue pence to the poor. Sir, excuse my haste, and let us have your prayers, whereof both you, and we have here need: So in scribling haste I rest*

A

This 6. of June 1628. *Affectionately at your service* Thomas Alured. B

The Message mentioned in this Letter of the 6. of *June*, is already before expressed.

Friday 6. June.

Mr. Speaker brings another Message from the King the day following. C

Another Message from the King to the Commons.

"IN my service to this House I have had many undeserved favours "from you, which I shall ever with all humblenes acknowledge, "but none can be greater then that testimony of your confidence yester- "day shewed unto me, whereby I hope I have done nothing, or "made any representation to his Majesty, but what is for the honour and "service of this House, and I will have my tongue cleave to my mouth, "before I will speak to the disadvantage of any Member thereof, I have D "now a Message to deliver unto you.

"Whereas his Majesty understanding that ye did conceive his last "Message to restrain you in your just Priviledges, to complain of any of "his Ministers, These are to declare his intentions, that he had no "meaning of barring you from what hath been your Right, but on- "ly to avoid all scandals on his Councel and Actions past, and that his "Ministers might not be, nor himself under their names taxed for their "Counsel unto his Majesty, and that no such particulars should be taken E "in hand as would ask a longer time of consideration then what he hath "prefixed, and still resoves to hold, that so for this time all Christen- "dom might take notice of a sweet parting between him, and his peo- "ple: Which if it fall out, his Majesty will not be long from another "meeting, when such (if there be any) at their leisure and conveni- "ence may be considered.

Mr. Speaker proceeded. F

"I will observe somewhat out of this Message, ye may observe a "great inclination in his Majesty to meet in this House. I was bold "yesterday to take notice of that liberty ye gave me to go to his Ma- "jesty. I know there are none here but did imagine whither I went, "& but that I knew ye were desirous and content that I should leave you,

"I would not have desired it, give me leave to say, this Message bars you "not of your Right in matter, nay not in manner, but it reacheth to his "Councels past, and for giving him Councel in those things which he "commanded. It is not his Majesties intentions to protect any Abetter of "*Spain*. The end of this was that we might meet again sweetly and "happily.

A *The House of Lords likewise received this Message by the Lord Keeper:*

"MY Lords, his Majestie takes notice to your great advantage of the "proceedings of this house upon the hearing of his Majesties mes- "sage yesterday; He accounts it a fair respect that ye would neither agree "of any Committee, or send any Message to his Majesty, though it were "in your own hearts, but yeild your selves to his Majesties Message, "and defer your own resolutions till you meet again at the time appoint- B "ed by his Majesty. Yet his Majesty takes it in extream good part to hear "what was in your heart, and especially that ye were so sensible of "the inconvenience that might ensue upon the breach of this Parliament. "Which if it had happened, or shall hereafter happen, his Majesty as- "sures himself, that he shall stand clear before God and men of the oc- "casion.

A Message from his Majesty to the house of Lords.

"But his Majesty saith ye had just cause to be sensible of the danger, "considering how the estate of Christendom now stands in respect of C "the multitude and strength of our Enemies, and weakness on our part. "All which his Majesty knows very exactly, and in respect thereof cal- "led this Parliament, the particulars his Majesty holds it needless to "recite, especially to your Lordships, since they are apparant to all "men; Neither will it be needfull to reiterate them to his Majesty, "whose cares are most intentive upon them, and the best remedy that "can be thought on therein is, if his Subjects do their parts. Therefore "his Majesty gives you hearty thanks, and bad me tell you that nothing D "hath been more acceptable to him all the time of this Parliament, "then this dutiful and discreet carriage of your Lordships, which he "professeth hath been a chief motive to his Majesty to suspend those "intentions that were not far from a resolution.

Sir Robert Philips *assumed the Debate upon the Message delivered by the Speaker, and said*;

"I rise up with a disposition somewhat in more hope of comfort then E "yesterday, yet in regard of the uncertainty of Councels, I shall not "change much: In the first place I must be bold without flattering, a "thing not incident to me to tell you (Mr. Speaker) you have not on- "ly at all times discharged the duty of a good Speaker, but of a good "man, for which I render you many thanks.

The Kings Message gives the Commons more hope then formerly.

"Another respect touching his Majesties Answer to our Petition, "First if that Answer fall out to be short, I free his Majesty, and I be- "lieve his Resolution was to give that that we all expected; But in that, F "as in others, we have suffered by reason of interposed persons between "his Majesty and us; But this day is by intervenient accidents diverted "from that, but so, as in time we go to his Majesty: Therefore let us re- "move those jealousies in his Majesty of our Proceedings, that by some "men over-grown have bin misprisented: we have proceeded with tem- "per in confidence of his Majesties goodness to us, and our fidelity to him

An. 1628.

"and if any have construed that what we have done, hath been out of "feare, let him know we came hither free men, and will ever resolve "to endure the worst, and they are poor men that make such interpreta- "tions of Parliaments; in this way and method we proceeded, and if any "thing fall out unhappily, it is not King *Charles* that advised himself, "but King *Charles* misadvised by others, and misled by misordered "Councel, it becomes us to consider what we were doing, and now to "advise what is fit to be done. We were taking consideration of the State A "of the Kingdome, and to present to his Majesty the danger he and we "are in, if since any man hath been named in particular (though I "love to speak of my betters with humility) let him thank himself and "his Councels, but those necessary jealousies gives us occasion to name "him. I assure my self we shall proceed with temper, and give his Majesty "satisfaction if we proceed in that way; his Majesties message is now "explanatory in point of our liberties, that he intends not to barre us "of our rights, and that he would not have any aspersion cast on the B "Councels past, let us present to his Majesty shortly and faithfully, and "declare our intentions that we intend not to lay any aspersion upon "him, but out of a necessity to prevent the eminent dangers we are sur- "rounded with, and to present to him the affaires at home and abroad, "and to desire his Majesty that no interposition of mis-information of "men in fault may prevaile, but to expect the issue that shall be full of "duty and Loyalty.

"The Commons sent a message to the Lords, that they would C "joyne in an humble request to the King, that a clear and satisfacto- "ry answer be given by his Majesty in full Parliament to the petition of "Right, whereunto the Lords did agree.

"Afterward the House was turned again into a Committee, and "considered of some more heads to be inserted into the Declaration "or Remonstrance, as the designe to bring into this Nation Forreign "Forces under the command of *Dolbeir*; And *Burlemack* was called into

Burlemack called into the House.

"the House, who confessed he received thirty thousand pound by Pri- D "vy seal for the buying of Horses, that one thousand of them are levi- "ed, that those Horse and their Riders are to come over, and Armes "are provided for them in *Holland*, but he heares a Countermand is "gone to stay them.

The Privy Seal is in these Words.

"*Charles* by the Grace of God, King of *England*, *Scotland*, *France* and E "*Ireland*, Defender of the Faith, &c. To the Treasurer, and under "Treasurer for our Exchequer for the time being, Greeting. We do "hereby will and command you our of our Treasury remaining in the "receipt of our said Exchequer, forthwith to pay, or cause to be paid "unto *Philip Burlemack*, of *London* Merchant, the summe of thirty thou- "sand pounds to be paid by him over by Bill of Exchange into the "Low Countreys, and Germany, unto our Trusty and well beloved "Sir *Patrillian Balfoure* Knight, and *John Dolbier* Esquire, or either of F "them for levying and providing certain numbers of Horses, with "Armes for Horse and Foot, to be brought over into this Kingdome "for our service, viz. for the levying and transporting of one thousand "Horse, fifteen thousand pounds; for five thousand Muskets, five thou- "sand Corslets, and five thousand Pikes, ten thousand five hundred

"pounds; and for one thousand Curaseers compleat, two hundred Corslets, "and Carbines, four thousand five hundred pounds, amounting in the "whole to the said summe of thirty thousand pounds. And this our letter "shall be your sufficient warrant, and discharge in this behalf. Gi-"ven under our Privy Seal at our Palace of *Westminster* the 30th. of "*January*, in the third year of our Reign. 4. *Caroli.*

June the seventh, the King came to the Lords House, and the House A of Commons were sent for. And the Lord Keeper presented the humble Petition of both Houses, and said,

May it please your most excellent Majesty, the Lords Spiritual and Temporal, and Commons in Parliament assembled, taking into consideration that the good intelligence between your Majesty and your people doth much depend upon your Majesties answer unto their Petition of Right formerly presented. With unanimous consent do now become most humble Suitors unto your Majesty, that you would be pleased to give a clear and satisfactory answer thereunto in full Parliament. B

The Petition of both Houses to his Majesty for a further Answer to the Petition of right.

whereunto the King replyed.

The answer I have already given you was made with so good deliberation, and approved by the judgements of so many wise men, that I could not have imagined but it should have given you full satisfaction; But to avoid all ambiguous interpretations, and to shew you there is no doublenesse in my meaning, I am willing to pleasure you as well in words as in substance, read your Petition, and you shall have an answer that I am sure will please you. C

His Majesties second Answer to the Petition of right.

The Petition was read, and this answer was returned: *Soit droit fait comme il est desire.*

C. R.

This I am sure (said his Majesty) is full, yet no more then I granted you in my first Answer, for the meaning of that was to confirm your liberties, knowing according to your own Protestations, that ye neither meane, nor can hurt my Prerogative. And I assure you my Maxime is, That the Peoples Liberties strengthen the Kings Prerogative, and the Kings Prerogative is to defend the Peoples Liberties. D

You see how ready I have shewed my self to satisfie your demands, so that I have done my part; Wherefore if this Parliament have not a happy conclusion, the fault is yours, I am free from it. E

Whereupon the Commons returned to their own House with unspeakable joy, and resolved so to proceed as to expresse their thankfulnesse, and now frequent mention was made of proceeding with the Bill of Subsidies, of sending the Bills (which were ready) to the Lords, of perfecting the Bill of Tunnage and Poundage, and Sir *John Strange* alone expressed his joy at the answer, and further added, Let us perfect and remember this; King *James* was wont to say, He knew that no Parliament which other wise he could never have known. F

After the granting of the Petition of Right, the House ordered that the Grand Committees for Religion, Trade, Grievances, and Courts of Justice, to sit no longer, but that the House proceed only in the consideration of Grievances of most moment, and first they fell upon the Commission for Excise, and sent to the Lord Keeper for the same, who

All Grand Committees to cease.

An. 1628. who returned answer that he received Warrant at the Councel Table for the sealing thereof, and when it was sealed, he carried it back to the Councel Table. The Commission being sent, it was read in the House, *viz.*

CHarles, By the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To Sir Thomas Coventry Knight, Lord Keeper of the great Seale of England; To James Earl of Malburg, Lord High Treasurer of England, Henry Earl of Manchester, Lord President of our Councel, Edward Earl of Worcester, Lord Keeper of our Priby Seal; George Duke of Buckingham, Lord high Admiral of England; William E. of Pembrook, Lord Steward of Our Houshold; Philip Earl of Mountgomery, Lord Chamberlain of Our Houshold, Theophilus Earl of Suffolk, Edward Earl of Dorset, William Earl of Salisbury, Thomas Earl of Exeter, John Earl of Bridgwater, James Earl of Carlisle, Henry Earl of Holland, William Earl of Denbigh, George Earl of Totnes, Sir George Hay Kt. Lord Chancellor of Scotland, William Earl of Morton, Thomas Earl of Kelley, Thomas Earl of Mellers, Edward Viscount Conway, one of our principal Secretaries of State; Edward Viscount Wimbleton, Oliver Viscount Grandison, Henry Falkland Lord Deputy of Ireland; To the Lord Bp. of Winchester, Wil. Lord Bp. of Bath and Wells, Fulk Lo. Brook, Dudley Ash, Lord Carlton, Vice Chamberlain of Our Houshold; Sir Thomas Edmonds Treasurer of our Houshold, Sir John Savil Controler of Our Houshold, Sir Robert Nanton Master of the Court of Wards, Sir John Cook one of the principal Secretaries of State, Sir Richard Weston Chancellour, and under Treasurer of our Exchequer, Julius Cæsar Master of the Rolls, and Sir Humphrey May Kt. Chancellour of Our Dutchy of Lancaster, Greeting. Whereas the present Conjuncture of the general affairs of Christendom, and our own particular interest, in giving assistance unto our oppressed Allies, and for providing for the defence and safety of our own Dominions, and People, do call upon us to neglect nothing that may conduce to those good ends; And because Monies (the principal sinews of War, and one of the first and chiefest movers in all great Preparations and Actions) are necessary to be provided in the first place, and we are carefull the same may be raised by such ways as may best stand with the State of Our Kingdoms, and Subjects, and yet may answer the pressing occasions of the present times: we therefore, out of the experience we have had, and for the trust we repose in your wisdoms, fidelities, and dutifull care of your service, And for the experience we have of all great Causes concerning us, and our State, both as they have relation to forraine parts abroad, and as to our Common-wealth, and People at home (We being persons called by us to be of Our Priby Councel) have thought fit amongst those great and important matters, which so much concern us, in the first and chiefest place, to recommend this to your special care and diligence. And we do hereby authorize, and appoint, and strictly will, and require you, that speedily and seriously you enter into consideration of

A B C D E F

4. Caroli.

of all the best and speediest ways and means ye can for raising of Monies for the most Important occasions aforesaid: Which without extreamest hazard to Us, our Dominions, and People, and to our Friends, and Allies, can admit of no long delay, the same to be done by Impositions, or otherwise, as in your wisdoms and best Judgments ye shall find to be most convenient in a case of this inevitable necessity, wherein Form and Circumstance must be dispensed with, rather then the Substance be lost, and hazarded. And herein our will and pleasure is, that You, or as many of You from time to time as can be spared from attendance upon Our Person, or other our necessary Services, doe use all diligence by your frequent meetings, and serious considerations, And when ye have brought any thing to maturity, ye make report thereof unto us, for the advancement of this great service, which with the greatest affection we can, we recommend to your best care and judgement, whereof ye must not fail, as ye tender Our honour, and safety of our Dominions, and People: And for the doing hereof, these Presents shall be to you, and every of you a sufficient warrant and discharge in that behalf: In witness whereof we have caused these Our Letters to be made Letters Patents; Witness Our self at Westminster the last day of February in the third year of Our Reign.

Per ipsum Regem.

Sir Edward Cook *observed some circumstances in the Commission.*

Sir Edward Cooks Observations upon the said Commission.

First, it was after the Summons to the Parliament, Sure, some thought the Parliament should not be. 2. There is a Pudor in it, it was kept secret, some great Lords never knew it. 3. The end of it was Excises, for they are Impositions, and to be sure he would have the word (otherwise) wherefore his advice was to go up to the Lords, and desire a Conference, to complain of the Commission, and desire it may be Cancelled, and if there be any inrolment of it, to cancel that also, and that the Projector may be found out and punished.

Hereupon there ensued a Conference with the Lords, which was thus managed by Sir Edward Cook.

Sir Edward Cook manna geth the Conference between both Houses concerning the Commission.

My Lords, The subject of this Conference is a Commission, therefore we shall desire your Lordships to hear it read, which was done accordingly. That which I shall deliver is certain Observations out of the Patent. First, The Persons to whom it is directed. 2. The Authority that is committed. 3. The great penalty laid on them if they do it not. 4. The Time.

1. The Persons to whom it is directed are twenty three Lords, and other of his Majesties Council. 2. The Authority committed unto them, is to consider how Money may be Leavied by Impositions, or otherwise: It is true, it is but a Power to Leavy Money by Imposition; We doe not find any thing raised (that is left to your Lordships) but a Commission to leavy money by Imposition or otherwise, give us leave to fear that Excise, and what ever is comprehended in it, was intended. Sure I am, it is against the Law, it is a very high breach of your Lordships, and our the poor Commons Liberties, and yet this being ill in it self,

An. 1628. ſelf, may produce a happy effect: the King and both Houſes have given a Judgment, the greateſt that ever was againſt this in the Petition of Right, and when this Judgment is given, ſee how Gods goodneſs hath brought it to paſs; that this Patent ſhall be part of Execution of that Judgment, to dam it for the puniſhment.

I do utterly diſlike that clauſe, *as you tender the Kings Honour*; That that muſt come to a thing of this nature, and it is ſtrange to me, I cannot dive into it; I leave it to your Lordſhips, for the time, It came out ſeven days after the Summons of Parliament, all knew the Parliament would determine this; but I hope it will now turn to good: I will not ſay it was kept ſecret. A

That which I am to demand of your Lordſhips firſt, is, that as we having conſidered of this Commiſſion, finding it *ex diametro* againſt the late Judgment in the Petition of Right, have condemned it; So your Lordſhips would concurre with us, as hitherto ye have done. 2. That this Commiſſion as a thing againſt Law, may be cancelled. 3. That if it be inrolled, a Vote may be made of it, and if not, that Order be taken that it be not inrolled. 4. That the warrant may be damned and deſtroyed. 5. That it would pleaſe your Lordſhips in your wiſdoms to take into conſideration who is the Projector of this device, and if he could be found out, that ſome exemplary puniſhment may be according to juſtice inflicted on him. B

The Lords accepted the motion, and promiſed to preſent the ſame to his Majeſty.

This done, the Houſe of Commons Voted that the Commiſſion, the not guarding the narrow Seas, the decay of Trade, and other particulars be inſerted in the Remonſtrance. C

THe Houſe having well nigh finiſhed the ſeveral particulars of grievances of moſt moment, reſumeth the former motion to declare who was the cauſe of all thoſe evils, which in a Committee of the whole Houſe was mentioned before.

Freſh Debate in the Houſe againſt the Duke.

The Debate was as hot as ever, and the crimes ſo frequently objected againſt the Duke, were brought in afreſh, as if they had never been propoſed in the Houſe. One made a diſtinction that the Duke was *The cauſe* of ſome, and *A. cauſe* of other grievances. For the firſt, he inſtanced in the diſaſter of the Armies, the decay of Ports, Trade, Ships, and Mariners. For the ſecond, he inſtanced in Religion. Firſt, his Mother was a Recuſant, and a foſterer of Recuſants. Secondly, Papiſts have honour in his own employments, and Papiſts Captains are placed by him. And as for Arminians, *York* Houſe is a place of conſultation for *Mountague* and others, from whence is like to follow Innovation in Government. D E

Another in purſuit of the Argument, that Papiſts were imployed by the Duke, named *Dalbeer*, as the man who betrayed our men at the Iſle of *Ree*, where all was carried by the advice of private men, and ſome ill affected in Religion, and in aſſault before they came away, 500. men were loſt, and in the Retreat *Dalbeer* was to make a Bridge, which did ſo intangle them, as they could make no defence: and all contrary to the advice of the reſt of the Commanders. F

Sir *Robert Philips* was of opinion to have the Declaration run thus, *We conceive the greatneſs and power of the Duke of* Buckingham *is the chief cauſe of all theſe evils*, Yet are not in a way of Charge, but of a Remonſtrance.

Sir

4 *Caroli.*

Sir *John Elliot*, Sir *Edward Cook*, and Mr. *Selden* were positively to name the Duke as the cause of our evils, for so said they he had been already declared in the last Parliament, since when the causes are multiplied; and he hath deserved nothing better of the Commonwealth. Sir *John Elliot.*

In this Debate there wanted not Mediators which did desire the House for their own ends and happiness, to be sparing in that kind. A Sir *Humphrey May* put them again in mind of the Kings desire, that all personal aspersions might be forborn, that his Majesty will take it as an argument of their moderation and judgment, if they forbear in this.

Sir *Henry Martin* advised that the Remonstrance be so framed, as to make it passable to his Majesties judgment and affection: Let him be perswaded that it comes from a publick sence, and not from private ends. And he vindicated the Duke in point of Religion. 'Tis true, said he, his Mother is a Recusant, but never any thing more grieved him, B and never did a Son use more means then he to convert her, and he hath no power over her; and for his own Lady whom he found not firm in his Religion, he hath used means to confirm her. As for Arminians, I have often heard him protest, and vow against these Opinions. It is true, many that have skill therein, may have some credit with him, and make use of his noble nature for their own ends. One particular I know well, that some Gentlemen and Preachers of great esteem were questioned for a matter, wherein C there was some error in the manner, of which they were presented; I told him of them, and that they were questioned, and he answered me, he would do the best he could for to countenance them. Sir *Henry Martin.*

Sir *Benjamin Rudyard* gave his judgement, that if the matter be urged home, it will proclaim the man lowder then we can in words. If we name excess of Power, and abuse of Power, it will reach to the Duke, and all others in future times: and to a Gentleman of honour nothing is so dear as sense of Honour. I am witness, and do know that he did D many great and good Offices to this House. If the forfeiture of my life could breed an Opinion, that ye should have no occasion to complain at your next meeting, I would pawn it to you. Nor let any man say, it is fear makes us desist, we have shewed already what we dare do. Sir *Benjamin Rudyard.*

And because the imployment of *Dalbeer* had given much offence, Sir *Thomas Fermin* stood up in his defence, and said he had given great evidence of his Trust and Fidelity. When the Count Palatine retired himself, and the Councel agreed to send a Party under Count E *Mansfield* to make a head, and the King sent word to the Palatine to be present in Person, *Dalbeer* went along with him, with one more, and being in a Village in *Germany*, a Troop of fifty Horse met them. *Dalbeer* went to the Captain and said, we are in a Service, I will give you so many crowns to conduct us; which was done, and *Dalbeer* went along with him. Sir *Thomas Fermin.*

F In conclusion, *June the* 13. it was Ordered upon the Question, that the excessive Power of the Duke of *Buckingham*, is the cause of the Evils and Dangers to the King and Kingdom; And that this be added to the Remonstrance.

An. 1628.

Dr. *Lamb* killed.

At this very time being *June* 18. 1628. Doctor *Lamb*, so called, having been at a Play-house, came through the City of *London*, and being a person very notorious, the Boys gathered thick about him, which increased by the access of ordinary People and the Rabble; they presently reviled him with words, calling him a Witch, a Devil, the Duke's Conjurer, &c. he took sanctuary in the *wind-mill* Tavern at the lower end of the *Old Jury*, where he remained a little space; but there being two Doors opening to several Streets out of the said House, the Rout discovering the same, made sure both Doors lest he should escape, and pressed so hard upon the Vintner to enter the House, that he for fear the House should be pulled down, and the Wines in his Cellar spoiled and destroyed, thrust the imaginary Devil out of his House, whereupon the tumult carried him in a croud among them, howling and showting, crying a witch, a Devil and when they saw a Guard coming by order of the Lord Mayor for the rescue of him, they fell upon the Doctor, beat him and bruised him, and left him for dead; With much ado the Officers that rescued him got him alive to the Counter, where he remained some few houres, and died that night; The City of *London* endeavoured to find out the most active persons in this Riot, but could not finde any that either could, or if they could, were willing to witnesse against any person in that businesse. This happened to be in Parliament time, and at that instant of time when they were about the Remonstrance against the Duke.

And shortly after, so high was the rage of people, that they would ordinarily utter these words.

Let *Charles* and *George* do what they can,
The Duke shall die like Doctor *Lamb*.

What fine the City underwent for this miscarriage, we shall observe in order of time.

Two days after the Privy Council writ this ensuing Letter to the Lord Mayor, Aldermen, and Sheriffs of *London*.

A Letter to the City about Dr. *Lambs* Death.

WHereas we are given to understand, that by the fury and outrage of divers dissolute and disorderly persons assembled together in great numbers, without any resistance made, or course taken to suppresse them (by the Magistrates to whom it appertained) one Lamb was in a barbarous manner slaine and murdered, wherewith his Majesty having been likewise made acquainted, as he is very sensible of the scandal that may hereby be cast upon the Peace and Government of the Realme in generall, when the chief City thereof, and where his own Person is resident, should by the remissenesse and neglect of Magistrates, in the execution of his Lawes, suffer a fact and misdemeanor of so high a nature to be committed, and to passe unpunished, So he is very highly displeased therewith, and hath therefore commanded us in his name hereby straightly to charge and require your Lordship, &c. that with all care and diligence you do forthwith enquire out the principal Actors and Abettors therein, and to cause them to be apprehended and committed to Prison, and to be proceeded with, and punished in the severest manner, that by the Lawes of the Realme is provided against offenders in so high a nature. And so, &c.

Dr. *Neal*, & Dr. *Laud* suspected for *Arminians*.

The Commons at this time voted that Doctor *Neal* Bishop of *Winchester*, and Dr. *Laud* Bishop of *Bath* and *Wells*, be named to be those near about the

4. Caroli.

the King who are suspected to be *Arminians*, and that they are justly suspected to be unsound in their opinions that way.

The House was turned again into a Committee concerning the Remonstrance.

Mr. *Selden*.

And Mr. *Selden* proposed that to the excessive power of the Duke should be added the abuse of that power, & since that abuse is the cause of these evils, that it be presented to his Majesty to consider whether it be safe for the King and Common-wealth, that a man of his power should be so near his Majesty, and it was ordered accordingly. All the parts of the Remonstrance being agreed unto, it was perfected to be presented to the King, being as followeth.

The Commons Remonstrance against the Duke.

MOst Dread Soveregn, as with humble thankfulnesse we your dutiful Commons now assembled in Parliament, do acknowledge the great comfort which we have in your Majesties pious and gracious disposition, so we think it a meet and most necessary Duty, being called by your Majesty to consult and advise of the great and urgent affairs of this Church, and Common-wealth, finding them at this time in apparent danger of ruine, and destruction, faithfully and dutifully to informe your Majesty thereof, and with bleeding hearts and bended knees, to crave your speedy Redresse therein, as to your owne wisdome (unto which we most humbly submit our selves and our desires) shall seeme most meet and convenient. What the multitude and potency of your Majesties enemies are abroad? What be their malicious and ambitious ends? and how vigilant and constantly industrious they are in pursuing the same, is well known to your Majesty? Together with the dangers foreseen thereby to your sacred Person, and your Kingdomes, and the calamities which have already fallen, and do daily encrease upon your Friends and Allies, of which we are well assured your Majesty is most sensible, and will accordingly in your great wisdome, and with the gravest and most Reverent Counsel, according to the exigencie of the times and occasions, provide to prevent and help the same.

We humbly and we most humbly crave your Majesty first, and especially, to cast your eye upon the miserable condition of this your own Kingdome, of late so strangely weakened and dejected, that unlesse (through your gracious wisdom, Goodnesse and Justice, it be speedily settled to a better condition, it is in no little danger to become a sudden Prey to the Enemies thereof; and of the most happy and flourishing, to be the most miserable and contemptible Nation in the world. All the discoveries of inward dangers, mischiefs, and inconveniences lying upon us, we do freely protest that it is far from our thoughts to cast the least aberration upon your sacred Person, or the least scandall upon your Government. For we do in all sincerity of our hearts, not only for our selves, but in the Name of all the Commons of the Realme, (whom we represent) affirme as most duly, as most loyal and affectionate people can do unto the best King, (for so you are, and so have been pleased graciously to expresse your self this present Parliament by your Royall clear and satisfactory answer to our Petition of Right: For which both our selves and our posterity

An. 1628. shall bleſſe God for you, and ever preſerve a thankful memory of your great goodneſſe and Juſtice therein.) And we do verily believe, that all, or moſt of theſe things which we ſhall now preſent unto your Majeſty, are either unknown unto you, or elſe by ſome of your Majeſties Miniſters offered under ſuch ſpecious pretences, as may hide their own ill intentions, and ill conſequences of them from your Majeſty. But we aſſure our ſelves according to the good example of your Majeſties Predeceſſors, nothing can make your Majeſty (being a wiſe and Judicious Prince, and above all things deſirous of the welfare of your people) more in love with Parliaments then this, which is one of the principal ends of calling them, that therein your Majeſty may be truely informed of the State of all the ſeveral parts of your kingdome, and how your Officers and Miniſters do behave themſelves in the truſt repoſed in them by your Majeſty, which is ſcarce able to be made known unto you, but in Parliament, as was declared by your bleſſed Father, when he was pleaſed to put the Commons in Parliament aſſembled in minde, that it would be the greateſt unfaithfulneſſe, and breach of duty to his Majeſty, and of the truſt committed to them by the Countrey that could be, if in ſetting forth the grievances of the people, and the condition of all the parts of this Kingdome from whence they come, they did not deal clearly with him, without ſparing any, how near and dear ſoever they were unto him, if they were hurtful, or dangerous to the Common-Wealth.

In confidence therefore of your Majeſties gracious acceptation in a matter of ſo high importance, and in faithful diſcharge of our duties; we do firſt of all moſt humbly beſeech your Majeſty to take notice, that howſoever the Enemies Malice, both from your ſoul abroad, that any ſuch thing ſhould be imagined or attempted. Yet there is a general fear conceived in your people of ſecret working and combination to introduce into this Kingdome innovation and change of our holy Religion, more precious unto us then our lives and whatſoever elſe worldly can afford. And our fears and jealouſies herein are not merely imaginal, but ariſing out of ſuch certain and viſible effects, as may be undoubted arms and real Cauſe; For notwithſtanding the many good and wholeſome Lawes, and promiſes made to prevent the increaſe of Popery within this kingdome, and notwithſtanding your Majeſties moſt gracious and ſatisfactory anſwer to the petitions here ſhewed in that behalfe, preferred to your Majeſty at Oxford. Yet ſince there hath followed no good execution nor effect, but on the contrary (at which your Majeſty out of the moſt tender ſenſe of your own religious heart cannot but be in the higheſt meaſure diſpleaſed) thoſe of that Religion do more encreaſe and multiply in Court from perſons of great quality, and power unto they continually reſort unto, and in particular to the Counteſſe of Buckingham, who her ſelf openly profeſſing that Religion is a known fabourer and ſupporter of them that are ſame, which we hoped upon your Majeſties Anſwer to the aforeſaid petition at Oxford, ſhould not have been permitted, nor that any of your Majeſties Subjects of that religion ſhould be entertained in the ſervice of your Majeſty, or your moſt vertuous Queen. Some like-

wiſe

4 Caroli.

wise of that Religion have had Honours, Offices, and places of Command and Authority lately conferred upon them. But that which striketh the greatest terror into the hearts of your Loyal Subjects concerning this, is, that Letters of Stay of legal proceedings against them have been procured from your Majesty (by what indirect meanes we know not) And Commissions under the great Seale granted and executed for composition to be made with Popish Recusants, with Inhibitions and restraints both to the Ecclesiastical and temporal Courts and Officers, to intermeddle with them, which is conceived to amount to no lesse then a toleration, odious to God, full of dishonour and extreame dishonour to your Majesty, of great scandal and griefe to your good people, and of apparent danger to the present State of your Majesty, and of this Kingdome, their numbers, power, and insolency, daily increasing in all parts of your Kingdome, and especially about London, and the Suburbs thereof; where exceeding many Families do make their abode publiquely, frequent Masse at Denmark House and other places, and by their often meetings and conferences, have opportunities of combining their Councels, and Strength together, to the hazard of your Majesties safety, and the State, and most especially in these doubtful and calamitous times. And as our fear concerning change or subversion of Religion is grounded upon the daily increase of Papists, the open and professed Enemies thereof for the Reasons formerly mentioned, So are the hearts of your good Subjects no lesse perplexed, when with sorrow they behold a daily growth and spreading of the faction of the Arminians, that being, as your Majesty well knows, but a cunning way to bring in Popery, and the professors of their opinions, the common disturbers of the Protestant Churches, and incendiaries in those States wherein they have gotten any head, being Protestants in name, but Jesuites in opinion; which caused your Royal Father with so much pious wisdom, and ardent zeale, to endeavour the suppressing of them as well at home, as in the neighbour Countries. And your gracious Majesty invitating his most princely example, hath openly, and by your Proclamation declared your mindes in those points, and of their opinions; how notwithstanding they are much favoured and advanced, not meaning friends even of the Clergy dear to your Majesty, namely Doctor Neale Bishop of Winchester, and Doctor Laud, Bishop of Bath and Wells, have not long since come to be informed in their notions that are, And it being now generally held the way to preferments, and promotion in the Church, many Scholars do bend their wits to their Opinions in hope thereof. Their Books and opinions are suffered to be published, printed, and in the other line the maintaining of them, and the writers against them, and in defence of the Orthodox Church, are hindred and prohibited, and (which is a hideous almost incredible) some restraint of Orthodox books is made by your Majesties [illegible]

An. 1628.

to strengthen and encrease our own Religion, and to oppose both those, which is the diligent teaching and instruction of the people in the true knowledge, and worship of Almighty God. And therefore means have been sought out to depresse and discountenance pious, and painful, and Orthodox Preachers, and how conformable soever, and peaceable in their disposition and carriage they be, yet the preferment of such is opposed, and instead of being encouraged, they are molested with vexatious courses, and pursuits, and hardly permitted to Lecture. And in those places where are no constant preaching Ministers, whereby many of your good people (whose souls in this case we beseech your Majesty to commiserate) are kept in ignorance, and are apt to be easily seduced to error, and superstition; It doth not a little also encrease our dangers and fears this way, to understand the miserable condition of your Kingdome of Ireland; where, without controll, the Popish Religion is openly professed, and practised in every part thereof, Popish Jurisdiction being there generally exercised and avowed, Monasteries, Nunneries, and other superstitious Houses newly erected, re-edified and replenished with men and women of several Orders, and in a plentiful manner maintained at Dublyn, and most of the great Towns, and divers other places of the Kingdome; which of what ill consequence it may prove, if not seasonably repressed, we leave to your Majesties wisdome to Judge. But most humbly beseech you (as we assure our selves you will) to lay the serious consideration thereof to your royal and pious heart, and that some speedy course may be taken for redresse therein.

A

B

C

And if unto all these your Majesty will be pleased to adde the consideration of the circumstances of time, wherein these courses tending to the destruction of true Religion, within these your Kingdomes, have been taken here, even when the same is professed with force and vehemency prosecuted in other Countreys, and all the reformed Churches in Christendome, either depressed or miserably distressed; may we humbly appeal unto your Majesties Princely Judgement, whether there be not just ground of feare that there is some secret and strong co-operating here with the enemies of our Religion abroad, for the utter extirpation thereof; and whether if these courses be not thereby redressed, and the profession of true Religion more encouraged, we can expect any other but heavy and ruine thereby to fall upon us; especially if withall the many other apparent dangers whereunto we are compassed about, shall not move you to remember the duplicature of your mercies of old, and by a deep sense of the neglect of the true Religion, the forgetting of those blessed Fathers we have already had, and yet (for which smart and sorrow in great mea-

D

E

F

and bring forth fruits of amendation in Religion; we do in the next place, in the bowels of our Saviour, most humbly declare to your Majesty, that your people are full of feare of Innovation and [illegible], and accordingly possessed with [illegible] and jealousies. Yet in this point by your Majesties late Answer to our Petition of Right touching our Liberties

ties

4. Caroli.

ties, much comforted, and raised againe out of that sadnesse and
Discontent, which they generally had conceived throughout the
whole Kingdome, for the undue courses which were the last yeare
taken for raising of moneys by Loanes, then which (whatever
your Majesty hath been informed to the contrary) there were ne-
ver any moneys demanded, nor paid with greater grief and ge-
neral dislike of all your faithfull Subjects, though many,
A partly out of feare, and partly out of other respects (yet
most unwillingly) were drawn to yeeld to what was re-
quired.

The Billeting of Souldiers did much augment both their feares
and griefe, wherein likewise they finde much comfort upon your
gracious answer to our petition of Right, and to that we present-
ed to your Majesty concerning this particular. Yet we most humb-
bly beseech your Majesty, that we may informe you, that the still
B continuance, and late re-enforcing of those Souldiers, the condi-
tions of their persons (many of them not being Natives of this
Kingdome, nor of the same, but of an opposite Religion) the pla-
cing of them upon the Sea Coast, where making head
amongst themselves, they may unite with the Popish party
at home if occasion serve, and joyne with an invading enemy to
do extreame mischief; and that they are not yet dismissed, doth still
minister cause of Jealousie to your loving Subjects. For that the
C Souldiers cannot be continued without exceeding great danger of
the peace and safety of your Kingdom.

The report of the strange and dangerous purpose of bringing
in German Horse and Riders, would have turned our doubts in-
to despaire, and our feares into a certainty of confusion, had
not your Majesties gracious message (for which we humbly give
you thanks) comforted us, by the assurance of your Royall word,
that they neither are, nor were intended by your Majesty, for any
D service in England; but that they were designed for some other
forreigne employment. Yet the light of the Privy Seals by
which it seemeth they were to be leavied, the great summe of mo-
ney, which upon extraordinary occasions we found to be paid for that pur-
pose, gave us just cause of feare. That much about the same time
there was a Commission under the Great Seal granted unto the
Lords, and others of the Privy Counsel, to consider of other ways
E for raising of moneys, so particularly by Impositions, gave us just
cause to suspect, that whatsoever was your Majesties gracious in-
tention, yet there wanted not those that under your honourable
power might secretly by this, as by other meanes, contrive to
change the frame both of Religion and Government, and there-
by undermine the safety of your Majesty, and your King-
domes.

Whereas we could not but suggest that the bringing in of Stran-
F gers for aid, hath been pernicious to most States, where they
have been admitted, but to England fatall. We do blesse God that
hath given your Majesty a wise understanding heart to discern of
these courses, and that such power, posterity seeking but how to
raise, and calumnie. And we beseech your Majesty to pardon
the importunity of our petition, if in the Royall and gracious af-
fections

An. 1628.

fections we bear to your Majesty and your service, we are bold to declare to your Majesty, and the whole world, that we hold it far beneath the heart of any free English man to think, that this victorious Nation should now stand in need of German Souldiers to defend their own King and Kingdom.

But when we consider the course formerly mentioned, and these things tending to an apparent change of Government, the often breaches of Parliament, whereby your Majesty hath been deprived of the faithful Counsel, and free Aids of your people, by taking off Tonnage and poundage, without graunt thereof by Act of Parliament, ever since the beginning of your Majesties Reigne to this present, The standing Commission granted to the Duke of Buckingham to be general of an Army in the Land in the time of peace, the discharging of faithful and sufficient Officers and Ministers, some from Judicial places, and others from the Offices and authorities which they formerly held in the Commonwealth; we cannot but at the sight of such an apparant desolation as must necessarily follow these courses, out of the depth of sorrow lift up our eyes to heaven for help, and next under God apply our selves unto your sacred Majesty, who if you could hear so many thousands speaking together, do joyntly implore speedie help and Reformation.

And if your Majesty would be pleased to take a further view of the present state of your Realme, we do humbly pray you to consider, whether the miserable disasters, and ill successe that hath accompanied all your late designes, and actions, particularly those of Cales, and the Isle of Ree, and the last expedition to Rochel, have not extreamlie wasted that flock of Honor that was left unto this kingdome, sometimes terrible to all other Nations, and now declining to contempt beneath the meanest.

Together with our Honours, we there lost those (and that not a few) who had they lived, we might have some better hope of recovering it again, our valiant and expert Collonels, Captaines and Commanders, and many thousand common Souldiers and Marriners, Though we have some cause to think that your Majesty is not as yet rightly informed thereof, and that of six or seven thousand of your Subjects lost at the Isle of Ree, Your Majesty received information but of a few hundreds. And this dishonour and losse hath been purchased with the consumption of above a million of Treasure.

Many of the Forts are exceeding weak, and decayed, and want both men and Munition. And here we cannot but with grief consider and complaine of a strange improvidence (we think your Majesty will rather call it treacherie) That your store of powder which by order of your Privy Counsel, dated the tenth of December, 1628. should be constantly three hundred Last, besides a continual supply of twenty Last a month for ordinary expences, and were now (as we conceive) to be double the proportion, is at this time in the Tower (the present Warrants being served) but nine Lasts and forty eight pounds in all, which we tremble to think of. And that notwithstanding this extreame scarcity of powder, great quantities have been permitted to be sold out of your Majesties Store;

to

4 *Caroli.*

to particular persons for private Gain; whereof we have seen a certificate, sir Last told hence the 14th. of January last, and your Majesties store being unfurnished of powder, which by a contract made with Mr. Evelyn by advise of your Lords in Parliament, ought to be supplyed monthly with twenty last at the rate of three pound, ten shillings, ten pence a Barrel; Your Majesty hath been forced to pay above seven pound a Barrel for powder to be brought in from beyond Seas, for which purpose twelve thousand
A foure hundred pounds was imprested to Mr. Burlemack the last year, and that powder not so good as that by Contract your Majestie should have, by one third part; All which are most fearful and dangerous abuses. But what the poverty, weaknesse, and misery of your kingdome is now grown unto by decay of Trade, and destruction, and losse of Ships and Marriners, within these three years; we are almost afraid to declare; And could we by any other means have been sure, that your Majesty should any
B other way have had a true Information thereof, we should have been doubtful to have made our weaknesse, and extreamity of misfortune in this kinde, to appear; But the importunate and most pitiful complaints from all the parts of the kingdome near adjoyning to the Sea in this kinde, would rend, as we think, the stonyest heart in the world with sorrow, and the sense we have of the miserable condition your Kingdome is in by reason thereof, especially,
C for that we see no possible means (being now shortly to end this Session) how to help the same, adds such a weight of grief unto our sad thoughts, as we have not words to expresse it; But for your Majesties more exact information therein; We beseech you be pleased to peruse the Kalender of particulars which with the Remonstrance, we most humblie present unto your Majestie.

One reason amongst many of this decay of Trade, and losse of
D ships and Marriners is: the not guarding of the narrow Seas, the regality whereof your Majestie hath now in a manner wholly lost, being that wherein a principal part of the Honor and safety of this Kingdome heretofore consisted; And now having absolutely neglected it, the Town of Dunkirk both so contually rob and spoile your Subjects, that we can assure your Majesty (if some present and effectuall remedy be not forthwith provided) the whole Trade
E of this Kingdome, the shipping, marriners, and all belonging thereunto, will be utterly lost and consumed. The principal cause of which evils and dangers we conceive to be the excessive power of the Duke of Buckingham, and the abuse of that power: And we humbly submit unto your Majesties excellent Wisdome, whether it be safe for your self, or your Kingdoms, that so great power as rests in him by Sea and Land, should be in the hands of any one Subject whatsoever.

And as it is not safe, so sure we are, it cannot be for your service,
F it being impossible for one man to manage so many and weighty affaires of the Kingdome as he hath undertaken, besides the ordinary duties of those offices which he holds, some of which well performed, would require the time and industry of the ablest men both of Counsel and Action, that your whole Kingdome will

An. 1628.

afford especially in these times of common danger.

And our humble desire is further, that your most excellent Majesty will be pleased to take into your princely consideration, whether in respect the said Duke hath so abused his power, it be fit for your Majesty and your Kingdoms to continue him either in his great offices, or in his place at neerness and Counsel about your sacred person.

And thus in all humility, aiming at nothing but the honour of Almighty God, and the maintenance of his true Religion, the safety and happiness of your most excellent Majesty, and the preservation and prosperity of this Church and Common-wealth; we have endeavoured with faithfull hearts and intentions, and in discharge of the duty we owe to your Majesty and our Country, to give your Majesty a true Representation of our present danger, and pressing calamities, which we humbly beseech your Majesty graciously to accept, and take the same to heart, accounting the safety and prosperity of your people, your greatest happiness, and their love, your richest Treasure. A fearfull and lamentable spectacle we confess it must needs be, to behold these Kingdoms so to rage against themselves, so many Treaties, and almost every one of them deadly, so strong and well tempered a body as this Kingdom lately was, that yet we hope will not perish, but that God hath reserved this Honour for your Majesty, to restore the safety and happiness thereof, as a work worthy so excellent a Prince, for whose long life and true felicity, we daily pray, and that your Fame and never dying Glory may be continued to all succeeding Generations.

The Speaker appointed to deliver the Remonstrance.

HEreupon a Message was sent to his Majesty, desiring access to his Person with the Remonstrance, and the Speaker was appointed to deliver it, who much desired to be excused, but the House would not give way thereunto. The House also sent up the Bill of Subsidy unto the Lords. Soon after the King sends a Message by Sir *Humphrey May*, that he means to end this Session on the 26. of *June*, whereupon the Commons fall upon the Bill of Tunnage and Poundage. In the mean time this ensuing Order concerning the Duke was made in the Starchamber upon the signification of his Majesties pleasure;

In Interiori Camera Stellatâ 16. Junii, *Anno quarto Caroli Reg.*

Order in Star-Chamber concerning the Duke.

"Forasmuch as his Majesty hath been graciously pleased to signifie "unto his Highness Attorney General, that his Royal pleasure is, "that the Bill of information Exhibited into this Court, against the "Right Honourable *George* Duke of *Buck.* for divers great offences, "and misdemeanours objected against him (for that his Majesty is fully "satisfied of the innocency of that Duke in all those things mentioned in "the said information, as well by his own certain knowledge, as by the "proofs in the Cause) shall therefore together with the said Dukes "Answer thereunto, and all other proceedings thereupon be taken "off the File, that no memory thereof remain of Record against him, "which may tend to his disgrace: It is therefore Ordered, that the said "Information or Bill, the Answer thereunto, and all other Proceed-

ings

"ings thereupon, be forthwith taken from the File, by his Majesties "said Attorney General, according to his Majesties pleasure therein to "him signified under his hand, and now remaining in the custody of "the Register of this Court.

Dated this present 16. day of *June*, 4. *Caroli*

Exam. per Jo. Arthur.

A 16. *Junii* 1628.

ON this very day the Duke signified unto the House, that he is informed that one Mr. *Christopher Eukener* of the House of Commons, hath affirmed that his Grace did speak these words at his own Table. *Viz. Tush, it makes no matter what the Commons or Parliament doth, for without my leave and authority, they shall not be able to touch the hair of a Dogg.* And his Grace desired leave of their Lordships, that he B might make his Protestation in the House of Commons concerning that Speech. And to move them, that he which spake it of him, being a Member of that House, might be commanded to justifie it, and his Grace heard to clear himself.

The Duke desires to cleare himself concerning some words.

Their Lordships considering thereof, ordered that the Duke shall be left to himself to do herein what he thinks best in the House of Commons. Whereupon the Duke gave their Lordships thanks, and protested up- C on his Honour, that he never had those words so much as in his thoughts. Tho which Protestation the Lords Commanded to be entred, that the Duke may make use thereof as need shall be.

The Duke also charged one Mr. Melvin *for speaking words against him. Viz.*

First, That *Melvin* said, That the Dukes plot was, that the Parliament should be dissolved, and that the Duke and the King with a great D Army of Horse and Foot, would war against the Commonalty, and that *Scotland* should assist him so that when war was amongst our selves, the Enemy should come in, for this Kingdom is already sold to the Enemy by the Duke.

2. That the Duke had a stronger Councel then the King, of which were certain Jesuites Scotishmen, and that they did sit in Councel every night, from one of the clock till three.

3. That when the King had a purpose to do any thing of what conse- E quence soever, the Duke could alter it.

4. That when the Ordnance were shipt at St. *Martins*, the Duke caused the Souldiers to go on that they might be destroyed.

5. That the Duke said he had an Army of 16000. Foot, and 1200. Horse.

6. That King *James* his blood, and Marques *Hamiltons*, with others cries out for vengeance to heaven.

7. That he could not expect any thing but ruine of this King- F dom.

8. That Prince *Henry* was poisoned by Sir *Thomas Overbury*, and he himself served with the same sauce, and that the Earl of *Somerset* and others could say much to this.

9. That he himself had a Cardinal to his Uncle or near Kinsman, whereby he had great intelligence.

An. 1628.

The Comiſſion for Exciſe cancelled.

About the ſame time the Lord Keeper reported to the Houſe of Lords what his Majeſty ſaid, touching the Commiſſion of Exciſe. *Viz.*

That their Lordſhips had reaſon to be ſatisfied with what was truly and rightly told them by the Lords of the Councel, that this Commiſſion was no more but a warrant of advice, which his Majeſty knew to be agreeable to the time, and the manifold occaſions then in hand, but now having a ſupply from the loves of his people, he eſteems the Commiſſion uſeleſs; and therefore though he knows no cauſe why any jealouſie ſhould have riſen thereby, yet at their deſires he is content it be cancelled, and he hath commanded me to bring both the Commiſſion and Warrant to him, and it ſhall be cancelled in his own preſence. A

The day following, the Lord Keeper reported that his Majeſty had cancelled the Commiſſion, and the Warrant for putting the Seal thereunto, and did there openly ſhew it, and a Meſſage was ſent to the Commons to ſhew them the ſaid cancelled Commiſſion and Warrant. B

Mr. *Selden* concerning Tunnage and Poundage.

The Commons reſume again the Debate upon the Bill of Tunnage and Poundage; Whereupon Mr. *Selden* ſaid, Whereas the Kings Councel objected, that 1. *Eliz.* ſaith, It was Granted time out of mind to the King, I fear his Majeſty is told ſo, and ſome body doth aſcertain him ſo: But we may clear that, for not only 1. *Eliz.* but alſo in the Statute of 1. *Jac.* the word time out of mind is, That whereas *H.* 7. and other his Majeſties Progenitors have had ſome Subſidy for the guarding of the Seas, And that there was never a King but had ſome Subſidie, in that ſenſe it is indeed time out of mind. Yet is it a matter of free gift: for publique Bills the King ſaith, *Le Roy ſe veult*, for Petitions of Right, *Soit droit fait come eſt deſire*. C

For the Bill of Subſidies it is thus, the King heartily thanking the Subjects for their good wills; In all the Bills of Tunnage and Poundage is the very ſame Anſwer, ſave one, which was 1. *Eliz.* and but for that only miſtake of the Clerk, it hath ever the ſame aſſent as the Bill of Subſidie. D

Upon this Debate it was Ordered that a Committee be appointed to draw a Remonſtrance to his Majeſty, of the peoples Rights, and of the undue taking of Tunnage and Poundage, and Impoſitions, without Act of Parliament, and to ſhew the Reaſons why the Houſe cannot in ſo ſhort a time prepare that Bill. E

The Remonſtrance was as followeth,

The Commons Remonſtrance of Tunnage and Poundage.

MOſt Gracious Sovereign, Your Majeſties moſt Loyal and Dutiful Subjects, the Commons in this preſent Parliament aſſembled, being in nothing more careful, then of the Honor and Proſperity of your Majeſtie, and the Kingdom, which they know do much depend upon that happie union, and relation betwixt your Majeſtie and your people, do with much ſorrow apprehend, that by reaſon of the uncertainty of their continuance together, the unexpected interruptions which have been caſt upon them, and the ſhortneſs of time in which your Majeſtie hath determined to end this Seſſion, they cannot bring to maturitie and perfection, divers buſineſſes of weight, which they have taken F

into

4. Caroli.

unto their consideration and resolution, as most important for the common good; Amongst other things they have taken into especial care the preparing of a Bill, for the Granting of your Majestie such a Subsidie of Tunnage and Poundage, as might uphold your Port and Revenue in as ample a manner, as their just care and respect of Trade (wherein not only the Prosperity, but even the Life of the Kingdom doth consist) would permit. A But being a work which will require much time, and preparation by conference with your Majesties Officers, & with the Merchants not only of London, but of other remote parts, they find it not possible to be accomplished at this time; wherefore considering it will be much more prejudicial to the right of the Subject, if your Majestie should continue to receive the same without Authority of Law, after the determination of a Session, then if there had been a Recess by Adjournment only, In which case that intended Grant would have related to the first day of the Parliament; B And assuring themselves that Your Majestie is resolved to observe that Your Royal Answer, which you have lately made to the Petition of Right of both Houses of Parliament; Yet doubting least Your Majestie may be misinformed concerning this particular case, as if you might continue to take those Subsidies of Tunnage and Poundage, and other Impositions upon Merchants, without breaking that Answer, they are forced by that dutie which they owe to Your Majestie, and to those whom they represent, to declare, C That there ought not any Imposition to be laid upon the Goods of Merchants, Exported or Imported, without common consent by Act of Parliament, which is the right and inheritance of your Subjects, founded not only upon the most Ancient and Original constitution of this Kingdom, but often confirmed and declared in divers Statute Laws.

And for the better manifestation thereof, may it please Your D Majestie to understand, that although Your Royal Predecessors the Kings of this Realm have often had such Subsidies, and Impositions Granted unto them, upon divers occasions, especially for the guarding of the Seas, and safeguard of Merchants; Yet the Subjects have been ever careful to use such Cautions, and Limitations in those Grants, as might prevent any claim to be made, that such Subsidies do proceed from duty, and not from the free gift of the Subject. And that they have heretofore used to limit a time in such Grants, E and for the most part but short, as for a year or two, and if it were continued longer, they have sometimes directed a certain space of Cessation, or intermission, that so the right of the subject might be more evident. At other times it hath been Granted upon occasion of War, for a certain number of years, with Proviso, that if the War were ended in the mean time, then the Grant should cease. And of Course it hath been sequestred into the hands of some Subjects to be F imployed for the guarding of the Seas. And it is acknowledged by the ordinary Answers of your Majesties Predecessors in their Assent to the Bills of Subsidies of Tunnage and Poundage, that it is of the nature of other Subsidies, proceeding from the good will of the Subject; Very few of your Predecessors had

An. 1628.

had it for life, until the Reign of H. 7. who was so far from conceiving he had any right thereunto, That although he granted Commissions for collecting certain Duties and Customes due by Law, yet he made no Commissions for receiving the Subsidie of Tunnage and Poundage, until the same was granted unto him in Parliament. Since his time all the Kings and Queens of this Realm have had the like Grants for life by the free love and good will of the Subjects. And whensoever the people have been grieved by laying any Impositions or other Charges upon their goods and Merchandises without authority of Law (which hath been very seldom) yet upon complaint in Parliament they have been forthwith relieved, saving in the time of your Royal Father, who having through ill Counsel raised the Rates and Charges upon Merchandises to that height at which they now are, yet he was pleased so far forth to yield to the complaint of his people, as to offer, that if the value of those Impositions which he had set might be made good unto him, He would binde himself and his Heirs by Act of Parliament never to lay any other; which offer, the Commons at that time in regard of the great burden, did not think fit to yield unto. Nevertheless, your Loyall Commons in this Parliament, out of their especial zeale to your Service, and especial regard of your pressing occasions, have taken into their consideration, so to frame a Grant of Subsidie of Tunnage and Poundage to your Majesty, that both you might have been the better enabled for the defence of your Realm, and your Subjects, by being secure from all undue Charges, be the more incouraged chearfully to proceed in their course of Trade; by the increase whereof your Majesties Profit, and likewise the strength of the Kingdom would be very much augmented.

But not being now able to accomplish this their desire, there is no course left unto them, without manifest breach of their duty, both to your Majesty and their Countrey, save onely to make this humble Declaration, That the receiving of Tunnage and Poundage, and other Impositions not granted by Parliament, is a breach of the Fundamental Liberties of this Kingdom, and contrary to your Majesties Royal answer to the said Petition of Right. And therefore they do most humbly beseech your Majesty to forbear any further receiving of the same, and not to take it in ill part from those of your Majesties loving Subjects, who shall refuse to make payment of any such Charges, without warrant of Law demanded.

And as by this forbearance, your most excellent Majesty shall manifest unto the world, your Royal Justice in the observation of your Laws: So they doubt not, but hereafter at the time appointed for their coming again, they shall have occasion to express their great desire to advance your Majesties Honor and Profit.

Mr. Noy.

MR. *Noy* after the reading hereof, moved the House that his Majesty might be requested, that the Merchants might ship their goods without a Cocket, otherwise they do forfeit their goods.

June

4. Caroli.

June 26. The Speaker being sent for to the King at *Whitehall*, came not into the House till about nine a clock. And after Prayers, the Remonstrance concerning Tunnage and Poundage being ingrossed, was a reading in the House, and while it was a reading, the King sent for the Speaker, and the whole House, and the King made a Speech as followeth.

The K. ends this Session in person, and declares the reason.

A "I may seem strange that I came so suddenly to end this Session; before I give my assent to the Bills, I will tell you the cause, though "I must avow, that I owe the account of my actions to God alone. It "is known to every one, that a while ago the House of Commons "gave me a Remonstrance, how acceptable, every man may judge, "and for the merit of it, I will not call that in question, for I am "sure no wise man can justifie it.

"Now since I am truly informed, that a second Remonstrance is B "preparing for me to take away the profit of my Tunnage and Pound-"rage, one of the chiefest maintenances of my Crown, by alleadging, "I have given away my right thereto by my Answer to your Peti-"tion.

"This is so prejudicial unto me, that I am forced to end this Ses-"sion some few hours before I meant, being not willing to receive any "more Remonstrances, to which I must give a harsh Answer. And since C "I see that even the House of Commons begins already to make false "constructions of what I granted in your Petition, least it be worse in-"terpreted in the Countrey, I will now make a Declaration concerning "the true intent thereof.

"The profession of both Houses in the time of hammering this Petition, "was no ways to trench upon my Prerogative, saying they had neither "intention or power to hurt it. Therefore it must needs be conceived, "that I have granted no new, but only confirmed the Antient Liberties "of my Subjects. Yet to shew the clearness of my intentions, that I D "neither repent, nor mean to recede from any thing I have promised "you, I do here declare my self, that those things which have been "done, whereby many have had some cause to expect the Liberties "of the Subjects to be mainfained upon; which indeed was the first and "true ground of the Petition, shall not hereafter be drawn into example "for your prejudice, and from time to time, in the word of a King, ye "shall not have the like cause to complain. But as for Tonnage and Pound-"age, it is a thing I cannot want, and was never intended by you to ask, E "nor meant by me I am sure to grant.

"To conclude, I command you all that are here to take notice of what "I have spoken at this time, to be the true intent and meaning of what "I granted you in your Petition. But especially, you my Lords the "Judges, for you only under me belongs the interpretation of Laws, "for the two Houses of Parliament, either joint or separate, (what new "Doctrine soever may be raised) have any Power either to make, or "declare any Law without my consent.

After this Speech ended, the Bill of Subsidie was delivered to the F Speaker, standing at the Bar in the Lords House, who made a short Speech, and shewed, that it was the greatest gift that ever was given in so short a time, and to craving pardon for the errors of the House, and his own (which he knew to be very many) he desired the King to give his Royal Assent.

The

An. 1628. The King came so suddenly and unexpectedly to the House, that the Lords were not in their Robes, and the Commons had given no direction or Order for the Speaker to deliver the Bill of Subsidies, Neither was it brought down to the Commons House, as it was used, but the Bills were read, and the Bill for the Sabbath, for Recusants children, for Alehouse-keepers, for continuance of Statutes, for the Clergies Subsidie, for the Lay of Subsidie, all passed. But for the Bill for explanation of the Statutes 3. *Jac.* about Leases of Recusants Lands, The King said, that in this short time he had not time sufficient to consider thereof, but he said he found many Errors therein, though the Title be faire, and if at the next meeting they would amend those Errors, it should pass. A

Many private Bills passed also, and after they were all read, their Titles and the Kings Answer to them, which to the publique Bills was *Le Roy le veult*, to the private, *Soit fait come cheſt desiré*.

The Lord Keeper said, it is his Majesties pleasure that this Session now end, and that the Parliament be prorogued till the twentieth of *October* next. B

At this Parliament which began at Westminster *the* 17. *of* March *Anno Regni R. Caroli* 3. These Acts were passed.

First, An Act for further reformation of sundry Abuses committed on the Lords day called Sunday. C

2. *The Petition exhibited to his Majesty, by the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, concerning divers Rights and Privileges of the Subject, with the Kings assent thereunto in full Parliament.*

3. *An Act for repressing of all unlicenced Alehouses.*

4. *An Act to restrain the sending over of any to be popishly bred beyond the Seas.*

5. *An Act for establishing of* Suttons *Hospital, &c.* D

6. *An Act for the Establishing of the Tenants Estates of* Bromfield *and* Yale *in the County of* Denbigh, *&c.*

7. *An Act for the continuance and repeal of divers Statutes, &c.*

9. *An Act for five entire Subsidies granted by the Clergy.*

10. *An Act concerning the Title, &c. of Earl of* Arundel, *and for the annexing of the Castle of Arundel, and other Lands, to the said Title of Earl of* Arundel.

11. *An Act to assure the Joynture of the Lady* Francis Nevil, *and to enable the Lord* Abergavenny *to sell Lands.* E

12. *An Act concerning the Lands of* William *Earl of* Devon.

13. *An Act to confirm the Estates of the Lord* Morley *Tenants in* Tatham *and* Gressingham.

14. *An Act for restating of Lands of* William Morgan *Esq; and discharging the trust concerning them.*

15. *A Declaration of the Comons against* Robert Manwaring.

16. *An Act to enable* Dutton *Lord* Gerrard *to make a Joynture to any Wife, that he shall hereafter marry, and to provide for younger children, and the securing of Portions for* Alice, Frances *and* Eliz. Gerrard *Sisters of the said Lord* Gerrard. F

17. *An Act for restitution in blood of* Carew Rawleigh *Esq; and to confirm Letters Patents made to the Earl of* Bristol *by King* James.

18. *An*

4 *Caroli.*

18. *An Act for the Naturalizing of* Isaac Ashley, Henry Ashley, Thomas Ashley, *and* Bernard Ashley, *sons of Sir* Jacob Ashley *Knight.*

19. *An Act for Naturalizing of* Samuel Powel.

20. *An Act for the naturalizing of* Alexander Levingston, *Gent.*

21. *An Act for the naturalizing of* John Trumbal, *and of* William Beere, Edward Beer, *and* Sidney Beere, *and* Samuel Wentworth.

22. *An Act for the amendment of a word miswritten in an Act made An.* 21. *Jac. R. to enable* Vincent Lowe *Esq. to sell Lands, &c.*

A 23. *An Act for naturalizing of Sir* Robert Ayton *Knight.*

24. *An Act for confirmation of Letters Patents made by King* James *to* John *Earl of* Bristol.

25. *An Act for naturalizing of* John Alderſey, Mary Alderſey, Anne Alderſey, Eliz. Alderſey, *and* Margaret Alderſey, *&c.*

26. *An Act for the naturalizing of* Daniel Delingue *Knight.*

27. *An Act for the naturalizing of Sir* Robert Dyel *Kt. and* George Kirk *Eſquire.*

B 28. *An Act for the naturalizing of* James Freeſe.

In the Interval between the two Seſſions, there happened many remarkable paſſages.

C DOctor *Manwarings* Sermons intituled *Religion* and *Allegiance* were ſuppreſſed by Proclamation, the King declaring that though the grounds thereof were rightly laid, to perſwade obedience from Subjects to their Sovereign, and that for conſcience ſake; yet in divers paſſages, inferences, and applications thereof, trenching upon the Laws of this Land, and proceedings of Parliaments, whereof he was ignorant, he ſo far erred, that he had drawn upon himſelf the juſt cenſure and ſentence of the High Court of Parliament, by whoſe judgement alſo that Book ſtands condemned; Wherefore being deſirous to remove occaſions of ſcandal, he thought fit that thoſe Sermons in regard of their influences and applications be totally ſuppreſſed.

Dr. *Manwarings* Sermon ſuppreſſed by Proclamation.

D Then a Proclamation came forth declaring the Kings pleaſure for proceedings with Popiſh Recuſants, and directions to his Commiſſioners for making compoſitions for two parts of three of their Eſtates, which by Law were due to his Majeſty; nevertheleſſe (for the moſt part) they got off upon eaſie tearms by reaſon of compoſitions at

A Proclamation and commiſſion concerning compoſition with Recuſants.

E undervalues, and by Letters of Grace and protection, granted from time to time to moſt of the wealthieſt of them.

This was ſeconded with another Proclamation commanding that diligent ſearch be made for all Prieſts and Jeſuites (particularly the Biſhop *Caledon*) and others that have taken Orders by authority from the See of *Rome*, that they be apprehended and committed to the Goale of that County where they ſhall be found, there to remaine without Bayle or Mainprize till they be tryed by due courſe of Law, and if

A Proclamation againſt the Biſhop of *Caledon.*

F upon trial and conviction there ſhall be cauſe to reſpit the execution of any of them, they ſhall not lie in the Common Goals, much leſſe wander about at large; but according to the example of former times be ſent to the Caſtle of *Wisbitch*, or ſome other ſafe priſon, where they ſhall remain under ſtrait and cloſe cuſtody, and be wholly re-

An. 1628. strained from exercising their function, and spreading their superstitious and dangerous doctrines.

Hereupon the Privy Councel wrote to the Bishop of *Ely* a Letter of the tenour following;

Romish Priests to be sent to *Wisbitch*.

"WHereas his Majestie hath beene informed, that the Romish "Priests, Jesuites and Seminaries lurking in this Kingdome, "do obstinately and maliciously continue their wonted practises to "supplant the true Religion established, and to seduce his people "from obedience, stirre up sedition, and subvert the State and Go- "vernment so far as it lieth in their power, his Majesty hath therefore "commanded us to signifie unto your Lordship, that it is his expresse "will and pleasure according to his Declaration in Parliament, and "his Royal Proclamation since published, you shall forthwith prepare "and make ready the Castle of *Wisbitch*, in the Isle of *Ely* to receive "and lodge all such Priests; Jesuites and Seminaries, and other pri- "soners, as shall be hereafter sent thither, and there treat and go- "verne them according to such instructions and directions as shall be "prescribed by this board.

Jesuites taken at *Clerkenwell*, ordered to be proceeded against.

The Jesuites taken in *Clarken-well* being then in several prisons, it was ordered by the Councel they should all be removed to *Newgate*, and such of them as were not as yet convicted and condemned, should be proceeded against untill they were condemned, and then that they all should be sent to the Castle of *Wisbitch* according to the Proclamation in that behalf, and the Attorney General was required to take course to entitle the King to the goods taken in the house which was designed for a Colledge; and accordingly they were proceeded against, and but onely one convicted, which proceeding was questioned in the ensuing Session of Parliament.

Order to search what Recusants are about *London*.

And upon Information, that there was a greater concourse of Recusants in or near *London* then had been usual at other times, the Privy Councel sent to the Lord Mayor to require him to cause diligent search to be made, within the City and Liberties thereof, and to finde out what Recusants did inhabit or remaine there as House-keepers, Inmates, or Lodgers, or in any manner, and to return a certificate to the board, both of their names and qualities, distinguishing which were Trades-men that were there by occasion of their Trades according to the Statute in that behalf, and which were of no Trade, but resorted thither from other parts of the Kingdom.

Sir *Richard Weston* and Bishop *Laud* advanced.

July 15. (being St. *Swithins* day) Sir *Richard Weston* Chancellor of the *Exchequer* was made Lord Treasurer of *England*, and the same day was Bishop *Laud* translated to the Bishoprick of *London*.

Mr. *Montague* advanced, and his *Apello Cæsarem* called in.

About the same time, Master *Montague* formerly mentioned, was designed to the Bishoprick of *Chichester* upon the decease of Bishop *Carleton*. Nevertheless his *Appello Cæsarem* was thought fit to be called in, the King declaring that out of his care to maintain the Church in the unity of true Religion, and the bond of peace, to prevent unnecessary disputes, he had lately caused the Articles of Religion to be reprinted, as a rule for avoiding diversities of opinions, and considering that a Book written by *Richard Montague* now Bishop of *Chichester* intituled *Apello Cæsarem* was the first cause of those disputes and differences,

4. *Caroli.*

ences, which since have much troubled the quiet of the Church, he would take away occasion, by commanding all persons that had any of those Books in their hands to deliver them to the Bishop of the Diocesse, or if it be in either Universities to the Chancellor and Vice-Chancellor thereof, who were commanded to suppresse them. And if any by preaching, reading, or making of Books *pro* and *contra* concerning those unnecessary questions shall revive the difference, he was resolved to take such order with them, and those Books, as they shall wish they had never thought upon those needlesse Controversies.

Preaching and Writing *pro* & *con* about unnecessary questions prohibited.

A

But ere this Proclamation was published, the Books were for the most part vented and out of danger of seasure, and the suppressing of all writing and preaching in Answer thereunto, was (it seems by some) the thing mainly intended; for the several answers made by Doctor *Featly*, and Doctor *Goad*, in their parallels, by Master *Burton*, Master *Ward*, Master *Yates*, Master *Wotton*, as also by *Francis Rows* Esq; in a Book called King *Iames* his Religion, were all suppressed, and divers of the Printers questioned in the high Commission.

B

Moreover Bishop *Montague*, and Doctor *Manwaring* procured a Royal pardon of all Errors heretofore committed by them, either in speaking, writing, or printing, for which they might be hereafter questioned; And Doctor *Manwaring* censured by the Lords in Parliament, and perpetually disabled from future Ecclesiastical preferments in the Church of *England*, was immediately presented to the Rectory of *Stamford-Rivers* in *Essex*, and had a dispensation to hold it, together with the Rectory of St. *Giles* in the fields.

A pardon granted to Dr. *Manwaring*, & Dr. *Montague*.

C

The Town of *Rochel* was at this time straitly beleagured by the *French* King, and the King of *England* had prepared a Fleet to relieve it, under the Command of the Duke of *Buckingham*, who being advanced as farre as *Portsmouth*, on *Saturday*, *August* 23. being *Bartholomew* Eve, was suddenly slain in his own Lodgings there, by one Leivtenant *Felton*, about nine in the morning, who with one blow, having got a knife for the purpose, struck the Duke under the left rib, and up into the heart, leaving the knife in his body, and got away undiscovered. In the fall to the ground, the Duke was heard to say, *The villaine hath killed me!* Company coming presently in found him weltring in his blood, and each person looking upon another marvelled who should do so horrid an act, a jealousie was presently had of *Monsieur Sobeez* who was then there labouring for speedy relief to be sent to *Rochel*, but he protesting his innocency, *Felton* immediately stept out, and said, *I am the man that did the deed, let no man suffer that is innocent*; whereupon he was immediately apprehended, sent to *London* and there imprisoned. The King was within four miles of *Portsmouth*, when the news was brought him of the death of the Duke, he bid secure the murderer, and Bishop *Laud* had advertisement of his death the 24th. of *August*, being then at *Croiden* with Bishop *Neal*, and other Bishops consecrating Bishop *Montague* for *Chichester*.

Rochel close besieged and relief designed.

The Duke slain.

D

E

Dr. *Montague* consecrated Bishop.

Notwithstanding the death of the Duke, the King pursued the design of relieving *Rochel*, and again set out a Fleet with provision and fireships to put relief into the Town; the Fleet went from *Plymouth* the beginning of *September*, did several times attempt the *Barricado*, but in vaine, and so was enforced to give over any further attempt, which the *Rochellers* perceiving, gave themselves for lost, and immediately

Rochel again attempted to be relieved, but in vain.

F

An. 1628.

came to a capitulation, upon very mean termes as to themselves; yet *Lewes* King of *France* was carefull by Articles (had they been performed) that those outrages should not be committed upon the entry of the Town (which the few remaining inhabitants were much afraid of, and afterwards felt) and so mixt mercy with his conquest, yet presently after high outrages were committed, and great was the persecution of the Reformed Churches, which constrained them again to send to the King of *England* to implore aid with these expressions, *that what they writ was with their teares and their blood*, but the treaty being shortly after made between the two Crowns; all things were setled in peace between the King and those of the reformed Religion.

The sad condition of *Rochel* at the surrender

Concerning the state of *Rochel* at the surrender, we have seen a Relation to this purpose, that the misery of the besieged was almost incredible, having lived long upon Horse-flesh, Hides, and Leather, Dogs and Cats, hardly leaving a Horse alive, still in hopes that their relief promised from *England* would prove effectual to them; they held out so long till they were but about four thousand left alive of fifteen thousand souls, most of them died with famine, and when they began to be pinched with the extremity of hunger they died so fast that they usually carried their Coffins into the Church-yard, and other places, and there laid themselves in and died, great numbers of them being unburied, when the forces of the King of *France* entred the Town, and many corps eaten with Vermin, Ravens and Birds.

Defects in the relief of *Rochel* questioned.

The Fleet which thus put to sea for the Relief of *Rochel* was defective, both in victuals, which was tainted, and in tackling, and other materials, insomuch as at the return thereof, information being given to the King and Councell of divers defaults and defects in the said ships, victuals and provision of this and the former expedition to *Rochel*, and in the discipline and performance of Commands and resolutions taken in that action to the great prejudice of the service; it was ordered, that the Earls of *Denbigh*, *Linsey*, and *Morton*, and the Lord *Wilmot*, and Master Secretary Cook should forthwith meet together, and consider of the Relation made by the Earl of *Linsey*, and inform themselves of defaults in the particulars before mentioned, and make report thereof to the Board. The Scots under the command of the Earl of *Morton*, and some *Irish* also, were sent to quarter in the Isle of *Wight*, which Island was unacquainted with the quartering of Forreigners.

Outrages committed by souldiers.

In *Essex* many robberies and outrages were committed by the Souldiers then returned from Sea. Whereupon the Privy Councellors required the Justices of Peace in that County to choose a Provost Marshal for the apprehending of all such as wandred up and down the Country, or behaved themselves disorderly, that they might be punished according to Law, and to cause strong guards and watches to be kept in all passages.

Advertisement of forreign designes.

And upon advertisement of some hostile preparations from forraign enemies, the Privy Councel taking care for securing the coasts in *Kent*, *Sussex*, *Hampshire*, *Dorcestshire*, and *Devonshire* remued their directions to the Lords of those Counties for the carefull watching of Beacons, &c.

The King of *Denmark* assisted with forces.

About the time the Fleet went last to the relief of *Rochel*, the King being solicited by the Ambassadours of the King of *Denmark*, and the united Provinces to send shipping to secure the *Elbe*, and mop for the defence of Embden, resolved upon the sending of five ships accordingly, but

4. Caroli.

but first to dispatch the men for the relief of the Town, the preservation whereof did mainly import the security of the River; wherefore the Regiments then remaining in several of the States Garrison Towns, which were reformed out of four Regiments, under the Command of Sir *Charles Morgan*, and supposed to consist of two thousand men, were designed for this employment; But in regard that by the capitulations at the rendring of *Stoade*, these Souldiers were first to touch in *England* before they could engage in War against the Emperour, they were appointed to come to *Harwitch*, and to saile thence to *Luckstat*, under the command of their former General, and by reason of the absence of the *English* Fleet, upon the service of *Rotchel*, the States and the Prince of Orange were desired to accommodate them with Ships of convoy in crossing the Seas. But a while after the King considering that the six months wherein that Regiment was bound not to serve against the Emperour, were near expiring, and the Winter approaching, which by foul weather and contrary winds, might expose both men and Ships to great danger in their crossing the Seas to *England* and cause unnecessary charge, commanded Sir *Charles Morgan* to forbear to touch at *Harwitch* but to shape his course by the neareſt & straighteſt way from *Holland* to *Luckstat*, and to stay at the place of imbarquing, so many days as with the time which will be taken up in their passage, may accomplish the full six months; Moreover, these Reformed Regiments brought from *Stoade*, being found upon their mustering fourteen hundred, the King made a supply of six hundred more by borrowing six or eight men out of every Company serving in the States pay, under the conduct of the Lord *Vere*, the season of the year not permitting to rely upon new recruits from *England*; for which he engaged his royal word to the States and the Prince of *Orange*, that for every man they lent him, he would send them two as soon as his forces return from *Rochel*.

The *German* Horse disposed of.

Touching the Horse levied in *Germany*, and intended (as was said) to be transported into *England*, about the last Session of Parliament the Privy Council now wrote to *Dalleeze* upon certain overtures made by the King of *Sweden*, and the Duke of *Saxe* to receive them into their pay and service, that he might dispose of the said Cavalry to those Princes being his Majesties friends and Allies with condition that his Majesty be no further charged with their pay, transportation, or entertainment in any manner whatsoever.

Dr. *Land* in favour with the King.

After the death of the Duke, the King seemed to take none so favour so much as Dr. *Laud*, Bishop of *London*, to whom he sent many gracious messages, and also writ unto him with his own hand, the which contained much grace and favour, and immediately afterwards none became so intimate with his Majesty as the said Bishop.

Conge d'essiers for certain Bishops.

By Orders from the Bishop, there were then entred in the Docket Book, Several Conge D'essiers and Royal assents for Dr. May *to be Bishop of* Bath *and* Wells, *for* Doctor Corbet *to be Bishop of* Oxford, *and for* Samuel Harsenet *then Bishop of* Norwitch, *to be Arch-Bishop of* York.

In the University of Oxford, *Bishop* Laud *bore the sway. The Lord Chancellour* William *Earl of* Pembrook *committing his power into his hands. And there it be framed the Statutes for the reducing and limiting the free Elections of Proctors, which before (as himself said) were Factious, and Tumultuous by the several Colledges by turns.*

The

An. 1628.

The meeting of the Parliament adjourned to Jan. 20. Great resort to *Felton* in prison.

The meeting of the Parliament appointed to be the 20. of *Octob.* was by Proclamation the first day of that moneth Prorogued to the 20. of *Jan.* following.

VVhilst *Felton* remained a Prisoner at *London*, great was the resort of people to see the man who had committed so bold a murder, others came to understand what were the Motives and Inducements thereunto, to which the man for the most part answered, That he did acknowledge the Fact, and condemned himself for the doing thereof; Yet withall confessed he had long looked upon the Duke as an evil Instrument in the Common-wealth, and that he was convinced thereof by the Remonstrance of Parliament. VVhich considerations, together with the instigation of the Evil One (who is always ready to put sinfull motions into speedy Actions) induced him to do that which he did; He was a person of a little Stature, of a stout and revengeful spirit, who having once received an injury from a Gentleman, he cut off a piece of his little finger, and sent it with a challenge to the Gentleman to fight with him, thereby to let him know that he valued not the exposing of his whole body to hazard, so he might but have an opportunity to be revenged.

Felton examined before the Council.

Afterwards *Felton* was called before the Councel, where he confessed much of what is before mentioned concerning his Inducement to the Murder, the Councel much prest him to confesse who set him on work to do such a bloody act, and if the *Puritans* had no hand therein, he denyed they had, and so he did to the last, that no person whatsoever knew any thing of his intentions or purpose to kill the Duke, that he revealed it to none living. Dr. *Laud* Bishop of *London* being then at the Councel Table, told him, if he would not confess, he must go to the rack; *Felton* replyed, if it must be so, he could not tell whom he might nominate in the extremity of torture, and if what he should say then must go for truth, he could not tell whether his Lordship (meaning the Bishop of *London*) or which of their Lordships he might name, for torture might draw unexpected things from him; after this he was asked no more questions, but sent back to prison. The Councel then fell into Debate, whether by the Law of the Land they could justifie the putting him to the Rack? The King being at Councel said, before any such thing be done, let the advice of the Judges be had therein, whether it be Legal or no, and afterwards his Majesty the 13. of *Novemb.* 4. *Car.* propounded the question to Sr. *Tho. Richardson*, Lord Chief Justice of the Common Pleas, to be propounded to all the Justices. (*Viz.*)

Threatned to be Racked.

The Judges opinions taken therein.

Felton now a prisoner in the Tower, having confessed that he had killed the Duke of *Buckingham*, and said he was induced to this, partly for private displeasure, and partly by reason of a Remonstrance in Parliament, having also read some Books, which he said defended that it was lawful to kill an Enemy to the Republique, the question therefore is, whether by the Law he might not be Racked, and whether there were any Law against it, for (said the King) if it might be done by Law, he would not use his Prerogative in this Point, and having put this Question to the Lord chief Justice, the King commanded him to demand the resolution of all the Judges.

First, the Justices of Serjeants Inn in *Chancery Lane* did meet and agree, that the King may not, in this case put the party to the Rack. And the fourteenth of *November* all the Justices being assembled at Serjeants

ante Inn in *Fleetstreet*, agreed in one, that he ought not by the Law to be tortured by the Rack, for no such punishment is known or allowed by our Law. 4 *Caroli.*

And this in case of Treason was brought into this Kingdom in the time of *Henry* 6. note *Fortescue* for this Point, in his Book *de laudibus legum Angliæ*, see the preamble of the Act 28. *H.* 8. for the Trial of Fellony, where Treasons are done upon the Sea, and Statute 14. *Edw.* 3. Ch. 9. of Jaylours or Keepers who by duresse make the prisoners to be approvers.

Since the last Session of Parliament, certain Merchant; who traded in Wines, had been committed to the Fleet for the non-payment of an Imposition of 20. s. the Tun, and were now at liberty upon their entring into bond for the payment of that Imposition. Merchants committed about Customs.

Moreover the King in full Councel declared his absolute will and pleasure to have the entry of 2. s. 2. d. the hundred upon all Currens to be satisfied equally with that of 3. s. 4. d. before the landing of that Commodity, it being a duty laid by *Queen Elizabeth*, who first gave being to the Levant Company, and which had been paid both in his Fathers time and his own, and that their Majesties were equally possessed of the whole summe of 5. s. 6. d. the hundred by a solemn and Legal Judgement in the Exchequer, and he straightly charged his Councel to examine the great abuse in this point, and to make a full reparation to his Honour, by inflicting punishment as well upon Officers as Merchants, that for the future they may beware of committing such contempts.

And Divers Merchants of *London* having forcibly Landed, and endeavoured to carry away their Goods and Merchandises from the Custom-house Key, without payment of duties, were summoned to the Councel-table: And the Councel was informed against them, that they had caused great and unlawful assemblies of people to be gathered together, to the breach of the Kings Peace, and Mr. *Chambers* was committed to prison by the Lords of the Councel, for some words spoken at that time, *Michaelmas* 4. *Car.* Merchants summonned to the Councel Table.

Richard Chambers being in Prison in the Marshalsie, *Del hostel de Roy*, desired an *Habeas Corpus*, and had it, which being returable upon the 16. day of *October*, the Marshall returned, that he was committed to prison the 28. day of *Septemb.* last, by the command of the Lords of the Councel. The Warrant *verbatim* was, That he was committed for insolent behaviour, and words spoken at the Councel-Table, which was subscribed by the Lord Keeper, and twelve others of the Councel. [*The words were, as information was given, though not expressed in the Return, That such great Customes and Impositions were required from the Merchants in England, as were in no other place, and that they were more screwed up, then under the Turk.*] And because it was not mentioned what the words were, so as the Court might adjudge of them, the Return was held insufficient, and the Warden of the Prison advised to amend his Return: and he was by Rule of the Court appointed to bring his prisoner by such a day without a new *Habeas Corpus*, and the Prisoner was advised by the Court, That in the mean time he should submit to the Lords, and Petition them for his enlargement. The Warden of the Prison bringing the Prisoner in again in Court, the 23. day of *October*. Then Mr. *Fermin* for the Prisoner moved, That forasmuch Mr. *Chambers* brought up with a *Habeas Corpus*, and bailed.

An. 1628

asmuch as it appeared by the Return, that he was not committed for Treason or Felony, nor doth it appear what the words were, whereto he might give answer, he therefore prayed, he might be dismissed or bailed. But the Kings Attourney moved, That he might have day untill the 25. of *October*, to consider of the Return, and be enformed of the words, and that in the *interim*, the Prisoner might attend the Councel-Table, and Petition. But the Prisoner affirmed, that he oftentimes had assayed by Petition, and could not prevail, although he had not done it since the beginning of *October*; and he prayed the Justice of the Law, and the inheritance of a Subject; Whereupon, at his importunity, the Court commanded him to be bailed: and he was bound in a Recognizance of four hundred pounds, and four good Merchants his Sureties were bound in Recognizance of one hundred pound a piece, that he should appear here in *Crastino animarum*, and in the *interim* should be of the good behaviour; And advertized him, they might, for contemptuous words, cause an Indictment or Information in this Court to be drawn against him, if they would.

A

B

Lords of the Councel dissatisted with his bailing.

The Lords of the Councel were much dissatisfied with the Bailing of *Chambers*. Whereupon the Judges were sent for to the Lord Keeper at *Durham* House; where were present, besides the Lord-Keeper, the Lord Treasurer, Lord Privy Seal, and the Chancellor of the Dutchy; And the Lord Keeper then declared unto them, that the said enlargement of *Chambers* was without due regard had to the Privy Councel, in not first acquainting them therewith. To this the Judges answered, that to keep a fair correspondency with their Lordships, they had by the Lord Chief-Justice acquainted the Lord Keeper in private therewith, before they baild the party: And that what they had done as to the bailing of the prisoner was according to Law and Justice, and the conscience of the Judges. To this it was replied that it was necessary for the preservation of the State, that the power and dignity of the Councel Table should be preserved, and that it could not be done without correspondency from the Courts of Justice; so they parted in very fair tearms.

C

D

Felton brought to trial.

On *Thursday the 27. of November*, *Felton* was removed from the Tower to the Gate-house in order to his tryal, and was the same day brought by the Sheriffs of *London* to the *Kings-bench* Bar, and the indictment being read, he was demanded whether he were guilty of the murder therein mentioned: he answered he was guilty in killing the Duke of *Buc.* and further said that he did deserve death for the same, though he did not do it out of malice to him. So the Court passed sentence of death upon him, whereupon he offered that hand to be cut off that did the fact, but the Court could not upon his own offer inflict that further punishment upon him; nevertheless the King sent to the Judges to intimate his desire, that his hand might be cut off before execution, but the Court answered that it could not be, for in all murthers the Judgement was the same, unless when the Statute of 25. *E.* 3. did alter the nature of the offence, and upon a several indictment, as it was in Queen *Elizabeths* time, when a Felon at the Bar flung a stone at a Judge upon the Bench, for which he was indicted and his sentence was to have his hand cut off, which was accordingly done, and they also proceeded against him upon the other indictment for Felony, for which he was found

Confesseth the Fact.

Tenders his hand to be cut off.

E

F

4. Caroli.

found guilty, and afterwards hanged; and *Felton* was afterwards hung up in chains in manner as is usual upon notorious murders.

Hung in chains.

IN *Michaelmas Term* the Farmers and Officers of the Custom House seized great quantities of Currants belonging to Mr. *Samuel Vassal* of *London* Merchant, because he refused to pay an Imposition of five shillings and six pence upon every hundred weight of the said Currants so imported, alledged to be due, and demanded on his Majesties behalf, Mr. *Vassal* refused to pay the same, conceiving it was an Imposition against the Law of the Land; Whereupon the Kings Attourney General exhibited an Information in the Exchequer against the said *Vassal*, setting forth that King *James* did by his Letters Patents command the taking the said Imposition, and that his Majesty that now is, by his Letters Patents, dated 26. *Junii*, 2. *Caroli*, by the advice of his Privy Councel did declare his Will and Pleasure to be, that Subsidies, Customs, and Impost should be Leavied in such manner, as they were in the time of King *James*, until it might receive a setling by Parliament, and the Information did set forth, that the said *Samuel Vassall* before the first day of *October*, 4. *Car.* did bring into the Port of *London*, 4638. hundred weight of Currants, for which he refused to pay Custom.

Mr. *Vassals* goods seised on for denying Customes.

Information preferred against him.

To this information the said *Samuel Vassal* appeared, and pleaded the Statute of *Magna Charta*, and the Statute *de talagio non concedendo*, and that he was a subject born under the Kings allegiance, and a Merchant, and that the said imposition of five shillings six pence upon every hundred weight of Currants, was not *Antiqua seu recta consuetudo*, and that it was imposed without assent of Parliament, to which Plea the said Attourney General demurred in Law, and Mr. *Vassall* joyned in demur, &c.

Mr. *Vassals* plea to the Information.

Afterwards the Barons of the Exchequer did publickly deny to hear Master *Vassals* Councel to argue for him, saying, that his the said *Vassalls* Case would fall under the same rule with one *Bates* Case, and therefore the Case was already adjudged. Master *Vassalls* Councel alledged that they had nothing to do with *Bates* his Case, but desired to argue Master *Vassalls* Case. The Barons replied that they knew the opinion of the Court, and should be heard no further; and said that the King was in possession, and they would keep him in possession; and shortly after the Court of *Exchequer* imprisoned the said Master *Vassall* for not paying such sums of mony as the Officers of the Custome-house required, as due upon the said imposition, and he could not obtain restitution of his goods, and the Court gave their opinion upon the said information for the King against Mr. *Vassal*.

About the same time divers goods and Merchandizes belonging to *Richard Chambers* of *London* Merchant, were seized and conveyed into Store-houses at the Custom-house, by the Officers of the Custom, because the said *Chambers* refused to pay the subsidy of Tunnage and Poundage demanded by the Farmers, the said *Chambers* conceiving no such subsidy or duty was due or payable, the same having not been granted by Parliament to his Majesty, and having sued forth a writ of *Replevin*, the proper remedy in Law to regain the possession of his goods; the Barrons of the Exchequer did order an Injunction under the Seal of the said Court directed to the Sheriffs of

Mr. *Chambers* goods seised on for not paying customes.

A Replevin sued out.

And superseded.

An. 1628. of *London* commanding them thereby not to execute the ſaid writ, or any the like Writs of *Replevin*, that ſhould afterwards be ſued forth by any perſon or perſons for the delivery of any goods in the like nature detained, and did declare publickly in Court that the ſaid goods by Law were not repleviable, and the Sheriffs of *London* did accordingly forbear to execute the ſaid Writ of *Replevin*. Maſter *Chambers* finding this obſtruction, offered to give great ſecurity unto the Court for payment of ſuch duties as ſhould be made appeare to be made payable to his Majeſty in ſuch manner, as the ſaid Barrons ſhould direct: the Court afterwards debating this matter, would not give way thereunto, unleſſe the ſaid *Chambers* would depoſite all ſuch ſummes of money as the ſaid Officers reſpectively demanded of him, for duties to his Majeſty which he refuſed to do. The Court did order the Officers of the Cuſtom to detain double value of the ſummes by them demanded for duties to his Majeſty, and to reſtore the reſidue.

Mr. *Rolls* a Merchant.

The ſame courſe of proceeding the Barrons of the Exchequer held in the Caſe of Maſter *John Rolls* of *London* Merchant, whoſe goods were detained for not paying of Tunnage and Poundage.

Private conſultations about the enſuing Parliament.

The meeting of the Parliament now drawing nigh, the King conſults with a ſelect Committee of his Privy Councellors, what probably the Parliament at their next meeting would inſiſt upon, and how the Privy Councel (who are members of the Parliament) ſhall demean themſelves in ſuch caſes: And firſt it was propoſed to his Majeſties conſideration, that if in the Houſe of Commons it ſhall be moved with any ſtrength, that the Merchants goods be delivered before they proceed to the Bill of Tunnage and Poundage, the Anſwer by ſuch as are Privy Councellors and Members of the Houſe to be, that if the Houſe intend to grant Tunnage and Poundage to the King, as it hath been granted to his Predeceſſors, it will end all diſpute, but if they proceed otherwiſe then before they come to a reſolution, the King to ſpeak to them, and to declare, that though his Predeceſſors claimed it not but by grant of Parliament, yet took it *de facto*, until it was granted by Parliament, and that his Majeſty hath done the like, and that if they will paſſe the Bill to his Majeſty as his Anceſtors had it, his Majeſty will do any reaſonable thing, to declare that he claimes not Tunnage and Poundage otherwiſe then by grant in Parliament, but if this do not ſatisfie, then to avow a breach upon juſt cauſe given, not ſought by the King.

And for bringing the Kings buſineſs to a ſpeedy iſſue, it was adviſed, that the Bill of Tunnage and Poundage be prepared before the Parliament ſit, in the ſame form as it paſſed to King *James*, adding words to give it from the firſt day of the Kings Reigne, and that the Bill be preſented at the firſt ſitting of the Parliament, and the Privy Councel of the Houſe to declare that his Majeſty cauſed it to be timely preſented, to cut off all queſtions and debates, and to perſwade them to a diſpatch thereof, and that they will returne a ſpeedy anſwer whether they will grant Tunnage and Poundage or not.

They alſo took into conſideration divers other matters, which they

4. *Caroli.*

they apprehended the Parliament would insist upon, as proceeding to censure the actions of the Duke of *Buckingham*, to accuse some of the Kings servants now living, upon common Fame, to cast personal aspersions in Parliament upon the Kings Councellors, or to charge them with giving ill counsel to the King, to handle questions touching matters of Religion, proper for his Majesty, and a Convocation to determine, to raise objections against his Majesties Speech the last day of the last Session, as trenching upon the liberty of the Subject, in these and the like cases the *Privy* Councel of the House were to be instructed how to demean themselves, and to advise all fair and possible means to have a good agreement between his Majesty and his people. But in case the House proceed upon any of the particulars before mentioned, and draw towards a resolution, that the *Privy* Councel who are of the House, do intimate that these Debates will tend to a breach, and will not be admitted of, and the King thereupon to declare himself presently, that he will not suffer such irregular courses of proceeding.

SO soon as the Parliament Reassemble on Tuesday the 20. of *Janu.* In the first place, the Commons inquired whether the Petition of Right, with his Majesties Answer unto it were inrolled in the Parliament Rolls, and the Courts of *westminster*, as his Majesty promised them the last Session: and they found his Majesties Speech made the last day of the Session, entred by his Majesties command, together with the Petition, and *Norton* the Kings Printer being called into the House, and demanded by what Warrant the Additions (besides his Majesties Answer) to the Petition of Right were Printed, he said there was a Warrant, as he thought from the K. himself, and being demanded whether there were some Copies Printed without additions, he said there were about 1500. but they were suppressed by Warrant, and Mr. Attourney General commanded that no more of them should be Printed, and that those that were first Printed should not be divulged.

The Parliament meets, they enquire whether the Petition of Right be enrolled.

The next thing taken into consideration, was the violation of the Liberties of the People, since the end of the last Session, even contrary to the Petition of Right, some having been since the time committed, and a Command sent to the Sheriff not to execute a Replevin, when mens Goods and Merchandises have been taken away, and it was instanced in the Case of Mr. *Rolls* a Merchant, and known to be a Member of the House, to whom it was said by some of the Officers of the Custome House, *if all the Parliament were in you, we would take your goods.*

What were the violations of the Subjects Liberties since the last Parliament.

Whereupon Sir *Robert Philips* made this Speech.

BY this Information you see how unfortunate these times are, and how full time it was for this Assembly to meet to serve his Majesty, and to serve their Country, and I am confident, that coming hither with fulness of affection, to our King and Country, all will conduce to a happy conclusion, and to the Kings honour: Indeed our own great and weighty affairs would deep, cast your eyes which way you please, you shall see violations on all sides, look on the liberty of the Subject, look on the priviledge of this House, let any say, if ever he saw or read the like violations by inferiour Ministers that ever do

Sir *Robert Philips* Speech concerning that matter.

An. 1628

their command; they knew the party was a Parliament man, nay, they say, if all the Parliament were in you, this we would do, and justifie it. If we suffer the Priviledge of Parliament and Liberty of Subjects to be thus violated, for fear of complaint, we give a wound to the happiness of the Kingdom. The course of Justice is interrupted, and an Order in the Exchequer made for the stay of the goods, and since there is a seisure, upon the approach of Parliament, of goods amounting to five thousand pounds for a pretended duty of two hundred pounds Custome, Its time to look about us.

In the first year of King James, by reason of the sickness that there was, the Parliament was prorogued; and then there were some so bold as to take this Tunnage and Poundage, and then we questioned the men that demanded it. Let us proceed with affection of duty, and make up breaches, let a Committee be appointed for the examination of these proceedings.

The matter was referred to a Committee.

This business was referred to a Committee, and the Officers of the Custome House (who had seized these Merchants goods) were ordered to be sent for, and whilst they were in Debate of this business, the King sent a Message to the House, and willed them to desist from further Debate of those matters concerning Tunnage and Poundage, till the next day in the afternoon, at which time, he would speake with them at the Banqueting House at Whitehall, where his Majesty made this Speech.

The Kings Speech to both Houses in the Banquering House.

THe care I have to remove all Obstacles that may hinder the good correspondency between me and this Parliament, is the cause I have called you together at this time, the particular occasion being a complaint made in the Lower House. And for you my Lords, I am glad to take this, and all other occasions whereby you may clearly understand both my words and actions, for as you are neerest in Degree, so you are the fittest witnesses unto Kings.

The complaint I speak of is for staying mens goods that denyed Tunnage and Poundage, this may have an easie and short conclusion, if my words and actions be rightly understood, for by passing the Bill as my Ancestors have had it, my by-past actions will be included, and my future proceedings authorized, which certainly would not have been stuck on, if men had not imagined that I had taken these duties as appertaining to my Hereditary Prerogative, in which they are much deceived, for it ever was, and still is my meaning, by the gift of my people to enjoy it, and my intention in my Speech at the ending of the last Session concerning this point, was not to challenge Tunnage and Poundage as of right, but de bene esse, shewing you the necessity, not the right by which I was to take it untill you had granted it to me, assuring my self, according to your general professions, you wanted time, not will to give it me.

Wherefore now having opportunity, I expect that without losse of time, you make good your professions, and so by passing of a Bill, put an end to all the Questions arising from this Subject: especially since I have cleared the onely Scruple that can trouble you in this businesse; to conclude, Let us not be jealous one of the others actions, for if I had been easily moved at every occasion, the Order you made on wednesday last, might have made me startle, there being some shew to suspect that you had given your selves the liberty to be the Inquisitors after complaints (the words of your Order being somewhat too largely penn) but looking into your actions, I find you only here complainers, not seeking complaints: for I am certain you neither pretend, nor desire the liberty to be Inquisitors of mens actions before particular complaint be made.

This I have spoken, to shew you how slow I am to believe harshly of your proceedings, likewise to assure you, that the Houses Resolutions, not particular

mens

mens ſpeeches, ſhall make me judge well or ill, not doubting, but according to my exawple you will be deaf to ill reports concerning me, till my words and actions ſpeake for themſelves, that ſo this Seſſion beginning with confidence one towards another, it may end with a perfect good underſtanding between us. Which God grant.

A *Munday the 26. of January.*

The K. ſends a Meſſage to the Houſe of Commons ſpeedily to take Tunnage & Poundage in to conſideration.

"MR. Secretary *Cook* delivered a Meſſage from the King to the Houſe
"of Commons, that the Bill for Tunnage and Poundage might be
"ſpeedily taken into conſideration, and that time might not be ſlipt,
"and did very much preſs (in his Majeſties name) the reading there-
"of as a matter of weight and importance, and ſaid that he ſpake it
B "for their ſervice, and that moderation in their proceedings, would
"be of great advantage to them; But the Houſe being troubled to have
"the Bill impoſed upon them, which ought naturally to ariſe from
"themſelves, did at that time forbear to ſpeak their minds freely,

But the Commons reſolve to proceed in matters of Religion

"and reſolved to husband their time, and did accordingly further im-
"power the Committee to examine violation of Libertie, and property
"ſince the laſt Seſſion of Parliament, and reſolved to proceed in the
"next place, with matters of Religion, and particularly againſt the
"Sect of *Arminians*, upon which occaſion Mr. *Rous* ſpake to this
C "purpoſe.

Mr. *Rous* Speech concerning Religion.

"Mr. Speaker, we have of late entered into conſideration of the
"Petition of Right, and the violation of it, and upon good reaſon, for
"it concerns our Goods, Liberties, and Laws, but there is a right of
"higher nature, that preſerves for us far greater things, Eternal life, our
"ſouls, yea our God himſelf, a Religion derived to us from the King
"of Kings, confirmed upon us by the Kings of this Kingdom, Enacted
D "by Laws in this place, ſtreaming down to us in the blood of Martyrs,
"witneſſed from Heaven by miracles, even miraculous deliverances,
"and this Right in the name of this Nation, I this day require and claim
"that there may be a deep, and ſerious conſideration of the violation of
"it; I deſire it may be conſidered what new paintings are laid on the old
"face of the whore of *Babylon*, to make her ſhew more lovely, and to
"draw ſo many ſuitors to her, I deſire that it may be conſidered how
"the *See of Rome* doth eat into our Religion, and fret into the Banks,
E "and walls of it, the Laws and Statutes of this Realm, eſpecially ſince
"thoſe Laws have been made in a manner by themſelves, even by their
"own Treaſons, and bloody Deſigns: And ſince that Popery is a confu-
"ſed heap of Errors, caſting down Kings before Popes, the Precepts of
"God, before the Traditions of men (living and reaſonable men) before
"dead and ſenſleſs ſtocks and ſtones; I deſire that we may conſider the
"increaſe of *Arminianiſm*, an Error that makes the Grace of God lackey
"it after the will of man, that makes the ſheep to keep the Shepherd,
F "and makes a mortal ſeed of an Immortal God. Yea I deſire that
"we may look into the very belly and bowells of this Trojan Horſe,
"to ſee if there be not men in it ready to open the Gates to Romiſh Ty-
"ranny, and *Spaniſh* Monarchy: for an *Arminian* is the Spawn of a *Pa-*
"piſt, and if there come the warmth of favour upon him, you ſhall
"ſee him turn into one of thoſe Froggs that riſe out of the bottom-

leſs

An. 1628.

"less pit; And if you mark it well, you shall see an Arminian "reaching out his hand to a Papist, a Papist to a Jesuite, a Jesuite gives "one hand to the Pope, and another to the King of *Spaine*, and these "men having kindled a fire in our neighbour Country, now they have "brought over some of it hither, to set on flame this Kingdom also: "Yea, let us further search and consider whether these be not the men, "that break in upon the goods and Liberties of this Common-wealth, for "by this means they make way for the taking away of our Religion; "it was an old trick of the Devil, when he meant to take away *Jobs* "Religion, he begun at his goods, saying, lay thy hand on all he "hath, and he will curse thee to thy face; either they think thereby to "set a distaste between Prince and People, or else to finde some other "way of supply, to avoid or break Parliaments: that so they may break "in upon our Religion, and bring in their errours. But let us do as *Job* "did, who being constant against temptation, held fast his Religion, "and his goods were restored to him with advantage, so if we hold "fast God and our Religion, these things shall be added unto us; Let "us consider the times past, how this Nation flourished in honour and "abundance, when Religion flourished amongst us; but as Religion "decayed, so the honour and strength of this Nation decayed also; "when the soul of a Common-wealth is dead, the body cannot longer "overlive it; If a man meet a dogg alone, the dogg is fearful, though "never so fierce by nature, but if that dogg have his Master by him, "he will set upon that man, from whence he fled before. This shews "that lower natures being backt with the higher, increase in courage "and strength; and certainly man being backt with omnipotency, is a "kind of omnipotency, all things are possible to him that believeth, and "where all things are possible; there is a kind of omnipotence; "wherefore let us now by the unanimous consent and resolution of "us all, make a vow and covenant, henceforth to hold fast, I say to hold "fast, our God, and our Religion; And then may we from henceforth "certainly expect prosperity on this Kingdom and Nation, and to this "Covenant let every man say, Amen.

A B C D

Tuesday the 27. of January.

A Report from the Commitee for Religion.

A Report was made to the House from the Committee for Religion, of matters concerning Religion, which passed the last Session and were since that time delivered by the Clerk (by Command from the King) to some whom his Majesty had sent for the same; for want whereof the Committee could not proceed, hereupon Master Secretary *Cook* brings this message from the King, that his Majesty understanding the Remonstrance concerning Religion was called for, was pleased (to take away all Question) to command him to deliver it unto them, hoping never the lesse that they will proceed with the Bill for Tunnage and Poundage, and give precedency to that busines, and so put an end to a further dispute between some of his subjects [meaning the Customers, and Merchants, whose goods were seized by the Customers for Tunnage and Poundage,] or else he shall think his speech, which was with good applause accepted, had not that good effect which he expected.

E

The Remonstrance concerning Religion sent back by the King.

F

But

4 *Caroli.*

Precedency again given to Religion before Tunnage and Poundage.

But the House thought fit to prefer Religion, and to give it the first place in their debates, saying, if *Popery* and *Arminianisme* joyne hand in hand together, it would by degrees bring in *Spanish* tyranny, under which these Laws and Liberties, must Cease. Besides that it was fit time to enquire what persons have been advanced to Ecclesiastical preferments, and to whom pardons have been granted since the last Session; That Religion concerns the King as well as the Subjects, and the work of the Lord must not be done negligently, whereupon the House was Dissolved into a Commitee, and gave Religion the precedency of Tunnage and poundage. And in the Commitee Mr. *Pymme* spake as followeth.

Mr. *Pyms* speech concerning Religion.

TWo diseases there be (said he) the one old, the other new; the old Popery, the new Arminianism; there be three things to be "inquired after concerning Popery.

1. "The cessation of the Execution of Laws against Papists.

2. "How the Papists have been imployed and countenanced.

3. "The Law violated in bringing in of superstitious ceremonies amongst us, especially at *Durham*, by Mr. *Cozens*, as Angels, Crucifixes, Saints, Altars, Candles on *Candlemas* day, burnt in the Church after the Popish manner.

"For *Arminianisme* let it be advised.

1. "That a way be open for the truth.

2. "That whereas by the Articles set forth, 1562. and by the Catechism set forth in King *Edward* the sixths days, and by the writing of *Martin Bucer*, and *Peter Martyr*, who were employed in making our Articles; and by the constant professions, sealed by the blood of so many Martyrs, as *Cranmer*, *Ridley*, and others, and by the 36. Articles in Queen *Elizabeths* time, and by the Articles agreed upon at *Lambeth*, as the Doctrine of the Church of *England*, which King *James* sent to *Dort*, and to *Ireland*, and were avowed by us and our State; his Majesty hath expressed himself in preserving unity in Religion established, though his royal intention, notwithstanding, hath been perverted by some to suppresse the truth. Let us shew wherein these late opinions are contrary to those setled truths, and what men have been since preferred, that have professed these *Heresies*; what pardons they have had for false doctrine; what prohibiting of Books, and writings against their doctrine, and permitting of such books, as have been for them. Let us inquire after the Abettors; Let us enquire also after the pardons granted of late to some of these, and the presumption of some that dare preach the contrary to truth before his Majesty. It belongs to the duty of Parliament to establish true Religion, and to punish false; we must know what Parliaments have done formerly in Religion. Our Parliaments have confirmed generall Councels. In the time of King *Henry* 8. the Earl of *Essex* was condemned for countenancing books of Heresie; For the convocation, it is but a Provincial Synod of *Canturbury*, and cannot bind the whole Kingdom. As for *York* that is distant and cannot do any thing to bind us or the Laws; For the High-Commission, it was derived from Parliament.

Wednesday

An. 1628

Message by Secretary Cook about Tunnage and Poundage.

"*Wednesday* 28. Secretary *Cook* delivered another message to the "House concerning the precedency of Tunnage and Poundage, declaring that his *Majesty* intends not thereby to interrupt them, as to Religion, so that they do not intrench on that which belongs not to them: which message was seconded by Sir *Thomas Edmonds* in these words.

Sir *Tho. Edmonds.*

"I am sorry the House hath given cause to so many messages about "Tunnage and Poundage after his Majesty hath given us so much satisfaction, you may perceive his Majesty is sensible of the "neglect of his business, we that know this, should not discharge "our duties to you if we should not perswade you to that course which "should procure his Majesties good opinion of you: You your selves "are witnesses how industrious his Majesty was to procure you gracious Laws in his fathers time, and since, what inlargement he hath "made of our Liberties, and still we give him cause to repent him of "the good he hath done. Consider how dangerous it is to alienate "his Majesties heart from Parliaments.

Master Corriton *replied.*

Mr. Corriton.

"WHen men speak here of neglect of duty to his Majesty, let them "know we know no such thing; nor what they mean. And I see "not how we do neglect the same; I see it is in all our hearts to expedite the Bill of Tunnage and Poundage in due time: our business is "still put back by these Messages, and the business in hand is of God; "and his Majesties affairs are certainly amisse, and every one sees it, "and woe be to us, if we present them not to his Majesty.

An Answer resolved to be given to the Kings messages

The House resolved to send an answer to the King, that these messages are inconvenient, and breed debates and losse of time, and did further resolve that Tunnage and Poundage, arising naturally from this House, they would in fit time take such a course therein, as they hoped would be to his Majesties satisfaction and honour, and so again agreed to proceed at present in matters of Religion.

Sir *John Eliot* concerning Religion.

"Sir *John Eliot* upon this occasion spake to this purpose, I have al"ways observed (said he) that in the proceedings of this House, our "best advantage is order, and I was very glad when that noble Gen"tleman, my Country-man, gave occasion to state our proceedings, for "I fear it would have carried us into a Sea of confusion and disorder, "and having now occasion to present my thoughts in this great "and weighty businesse of Religion, I shall be bold to speak a few "words.

"There is a jealousie conceived, as if we meant to dispute in mat"ters of faith, it is our profession, this is not to be disputed, it is not in "the Parliament to make a new Religion, nor I hope shall it be in any "to alter the body of the truth, which we now professe, I must confess "amongst all those fears we have contracted, there ariseth to me not one "of the least dangers in the Declaration that is made and published in his "Majesties name concerning disputing and preaching, let not this my saying bear the least suspition or jealousie of his Majesty, for if there be "any misprision or Error, I hope it is those Ministers about him, which

"not

4 Caroli.

"not only he, but all Princes are subject unto, and Princes no doubt are "subject to mis-informations, and many actions may be intitled "to their Names, when it is not done by themselves. *Antiochus* King "of *Asia* sent his Letters and missives to several Provinces, that if they re- "ceived any dispatches in his name, not agreeable to justice, *Ignoto se "litteras esse scriptas ideoq; iis non parerent*, and the reason of it is given "by *Gratian*, because that oftentimes by the importunity of Ministers "*Principes sæpe constringuntur, ut non concedenda concedant*, are drawn to A "grant things by them not to be granted; and as it was in that age, so "it may be in this. And now to the particular in the Declaration, we "see what is said of *Popery* and *Arminianism*, our Faith and Religion is in "danger by it, for like an Inundation it doth break in at once upon us. "It is said, if there be any difference in Opinion concerning the season- "able interpretation of the 39. Articles, the Bishops and the Clergy "in the Convocation have power to dispute it, and to order "which way they please, and for ought I know, Popery and Arminia- B "nism may be introduced by them, and then it must be received by all, a "slight thing, that the power of Religion should be left to the persons "of these men, I honour their profession, there are among our Bishops "such as are fit to be made examples for all Ages, who shine in ver- "tue, and are firm for our Religion, but the contrary Faction I like "not; I remember a character I have seen in a Diary of *E. 6.* that young "Prince of famous memory, where he doth expresse the condition of "the Bishops of that time under his own hand writing, That *some for* C "*sloath, some for age, some for ignorance, some for luxury, and some for Popery,* "*were unfit for Discipline and Government.* We see there are some "among our Bishops who are not Orthodox, nor sound in Religion "as they should be, witness the two Bishops complained of the last "meeting of the Parliament, I apprehend such a feare, that should we "be in their power, we may be in danger to have our Religion over- "thrown, some of these are Masters of Ceremonies, and they labour "to introduce new Ceremonies into the Church; Yet some Ceremonies D "are useful, give me leave to joyn that I hold it necessary and commen- "dable, that at the repetition of the Creed we should stand up, to te- "stifie the resolution of our hearts, that we will defend the Religion "which we profess, and in some Churches it is added, they did not "only stand upright with their bodies, but with their Swords drawn. "Let us go to the ground of our Religion, and lay down a Rule on "which all others may rest; then when that is done, it will be time "to take into consideration the breakers and offendors of that Rule; E "Hereupon, after some Debate the Commons entered into this "Vow.

The Vow of the House of Commons in Parliament.

The Commons enter into a Vow.

F WEE the Commons in Parliament Assembled, do Claim, Protest, and Avow for truth, the sence of the Articles of Religion, which were established by Parliament, in the thirteenth year of our late Queen *Elizabeth*, which by the publique Act of the

An. 1628. Church of *England*, and by the generall, and currant Expoſitions of the Writers of our Church, have been delivered unto us. And we reject the ſence of the Jeſuites, and *Arminians*, and all others wherein they differ from us.

A

Friday the thirtieth of January 1628. *Both Houſes joyn in Petitioning the King for a Faſt.*

Both Houſes Petition the King for a faſt.

MOſt Gracious Soveraign, It is the very earneſt deſire of us your moſt dutiſul Subjects, the Lords Spiritual and Temporal, and Commons in this Parliament Aſſembled, that this meeting may be abuudantly bleſſed with all happy ſucceſſe in the great affairs of Church and State, upon which we are to conſult, and that by a cleare underſtanding, both of your Majeſties goodneſs unto us, and of our ever faithfull, and Loyal hearts to your Majeſties Royal Perſon and ſervice, (all jealouſies and diſtractions, which are apparent ſigns of Gods diſpleaſure, and of enſuing miſchief being removed) there may this Seſſion, and for ever be, a perfect and moſt happy union, and agreement between your Majeſty and all the Eſtates of this Realm: But acknowledging that neither this, nor any other bleſſing can be expected, without the eſpeciall favour of Almighty God, upon the obſervation of the continued increaſing miſeries of the Reformed Churches abroad, (whoſe caſes, with bleeding hearts we compaſſionate) as likewiſe of thoſe puniſhments already inflicted, And which are like in great meaſure to fall upon our ſelves, we have juſt cauſe to conceive, that the Divine Majeſty is for our ſins exceedingly offended againſt us, wherefore we do in theſe, and all other pious reſpects, moſt Dread Soveraign, humbly beſeech your moſt excellent Majeſty, by your Royal conſent, and Commandment, that not only our ſelves, but all people of your Kingdom, may be ſpeedily enjoyned upon ſome certain day, by your Majeſty to be prefixed, by publique Faſting, and Prayer to ſeek reconciliation, at the merciful hands of Almighty God, So that the prayers of the whole Kingdom, joyned with your Majeſties moſt Princely care, and the faithful hearts and endeavours of this great Councel aſſembled, may

B C D E F

may procure honour to Almighty God in the preservation of his true Religion, much honour to your Majesty, prosperity to your people, and comfort to your Majesties Friends and Allies. 4 *Caroli.*

The Kings Answer to the Petition.

His Majesties Answer.

A *MY Lords, and Gentlemen, The chief Motive of your Petition, being the deplorable Condition of the Reformed Churches abroad, is too true: And our duty is so much as in us lieth, to give them all possible help; But certainly, fighting will doe them more good then fasting: though I doe not wholly disallow of the latter; yet I must tell you, that the custome of fasting every Session, is but lately begun, and I confesse I am not fully*
B *satisfied with the necessity of it at this time.*

Yet to shew you how smoothly I desire your businesse to go on, (eschewing as much as I can Questions or jealousies) I doe willingly grant your request herein, but with this Note, That this shall not hereafter be brought into president for frequent Fasts, except upon great occasions; And for form and time, I will ad-
C *vise with my Lords the Bishops, and then send you a particular Answer.*

Soon after the House of Commons presented a Declaration to the King, touching their resolutions to give precedency to Religion.

The Commons Declaration to the King to give precedency to Religion.

D MOst Gracious Soveraign, We have within these three dayes received from your Majesty a Message, putting us in minde of our present entring upon the consideration of a Grant of Tunnage and Poundage, but the manner of possessing the House therewith being disagreeable to our Orders and Priviledges, that we could not proceed therein; And finding our selves in your Majesties name pressed in that businesse, and that we should give precedency thereunto, we cannot but expresse some sence of sorrow, fearing that the most hearty and forward affections, wherewith we desire to serve your Majesty, are not clearly represented unto you: besides, such is the solicitous care we have in preserving our selves, in your Majesties most gracious and good opinion, that it cannot but breed much trouble in us, when ever we find our selves (as now we are enforced) to spend that time in making our humble Apologies, from whence doe usually arise long Debates, which we conceive might very profitably be applyed in the greater Services of your Majesty, and the Common-wealth, which we did with all humble diligence apply our selves unto; and finding the extream dangers, wherewith our Religion is threatned (clearly presenting it unto our thoughts and considerations) We thought, and we

An. 1628.

think, we cannot but first in piety to God, diligently to your Majesty (and unfeignedfulnesse to those from whom we are put in trust) retard our proceedings until something be done for cleare us in this maine point, which we prefer above our lives, and all earthly things whatsoever; And here we do with all humble thankfulnesse acknowledge your Majesties most pious care, and Princely Intentions to suppresse both Popery and Arminianisme; the Professor of the one, being an open enemy, the maintainer of the other, a subtil and most dangerous Undermaner of the Religion of Almighty God, established within your Realmes and Dominions: The truth of which our whole Religion (or any part thereof) (as being sufficiently known, and received generally here of all the Members of our Church, except onely of some Schismaticall persons who have of late years taken the boldnesse to broach these contrary corrupt opinions) we believe should not be called in question, or doubt; But however it hath pleased your Majesty to our exceeding great comfort, by many Testimonies to declare your constant resolution to maintain the said Religion, yet we see how your gracious purposes are therein crost, and into what a miserable condition your whole Kingdom is likely by that meanes to be reduced; we shall carefully endeavour, (as that which doth nearly concerne us) the safety and prosperitie of your Majestie and people which are in such sort disordered, that ruine thereby threatned to both, may by Gods blessing be prevented; being most heartily sorie that these occasions are offered, which have given our proceedings; And therefore as well for dignity, and necessitie of the matter, as for that we conceive it to be the most speedy and effectual way, by uniting of all our hearts and endeavours to dispatch all other businesse of importance particularly that which may seem more immediately to respect your Majesties profit, we pray that our resolutions of preferring this businesse, before all others may be acceptable to your Majestie to whom, both in the matter and manner of our proceedings, we desire to give all possible satisfaction.

Whereunto the King thus Answered.

His Majesties Answer to the Commons Declaration.

"Gentlemen, this Answer being somewhat long, may in reason "require some time to reply unto it, since as most of you cannot "but judge this giveth no satisfaction. Therefore I shall give you "some short notes upon it; I cannot think, that whereas you allege "that the Bill of Tunnage and Poundage was brought in against the "privilidge of your House; That you will offer to take so much pri-"vilidge from every one of your members, as not to allow them the "liberty to bring in any Bill whatsoever; although it be in your pow-"er when it is brought in, to do with it what you think good; And "I cannot imagine, you coming together by my power, and to treat of "things that I propound unto you, can deny me that Prerogative to com-"mend or offer any Bill unto you; though in this particular I must con-"fess, that this Bill was not to have been offered to you in my name, "as that Member of your House can bear witnesse. As for the cause of "delay in my businesse, (being Religion) there is none of you shall have "a greater care for the true preservation of it than my self, which since "it

4. Caroli.

"it is confessed by your Answer, You must either think I want power
"(which cannot be) or that I am very ill counselled, if it be in so much
"danger as you affirm: Though I may say much of this, I will say no
"more, but that for all this I shall not stop mine ears to you upon this
A "subject, so that in form and manner you transgresse not your limits; as
"for Tunnage and Poundage; I do not so much desire it out of greedi-
"ness of the thing (being perswaded you will make no stop in it, when
"you once take it in hand) as out of a desire to put an end to those
"Questions that do arise between me and some of my Subjects, think-
"ing it a strange thing, if you should give Ear to those complaints, and
"not to take the sure and speedy way to decide them: Besides, I must
"think it strange, that this business of Religion, should only be a hin-
"derer of my Affaires, whereas I am certainly informed all other
"things go according to their ordinary course; therefore I must still be
"instant with you, that you proceed with Tunnage and Poundage with
B "diligence (not looking to be denied in so just a desire) and you must
"not think it strange, if I finding you slack, give you such further quick-
"ning as I shall find cause.

Hereupon Secretary *Cook* did acknowledge, that at the presenting of the Bill of Tunnage to be read, he said his Majesty much desired it, but it was a mistake that his Majesty commanded it.

Wednesday the 4. of February.

G THe House fell into debate of the Kings Declaration published in print, to prohibite dispute or preaching one way or other concerning the matters mentioned in the Declaration, alledging in the debate that the main end thereof was to suppress the Puritan party, and yet to give liberty to the contrary side, and they conceived that Bishop *Laud*, and Bishop *Montague*, mentioned in the last Remonstrance, had advised the King to this Declaration; Bishop *Laud* being advanced since the last Session of Parliament, to be Bishop of *London*, and Mr. *Montague* since that time made Bishop of *Chichester*; And a Warrant was granted to the Attourney General to draw up a pardon for him, but whereas the Warrant was but for one, the Attourney put four into the pardon (viz.) Bishop *Montague*, Doctor *Cosens*, Doctor *Sibthorp*, and Doctor *Manwaring*.

Debate about the Kings Declaration concerning disputes about Religion.

D

Tuesday the 10. of February.

E WHilst the House was in debate touching matters of Religion, the Ware-house of Mr. *Rolls* (Merchant and Member of the House then sitting in Parliament) was locked up by a Pursuevant, and himself called forth from the Committee and served with a *Subpœnâ*.

Mr. *Rolls* sitting in Parliament was called forth and served with a Subpœnâ.

This gave occasion of smart debates in the House, some said they were made the subject of scorn and contempt; others conceived this to be a bone thrown in by them that have drawn a cloud on the true Religion to divert or interrupt them in the prosecution of that matter, and they desired the messenger might be sent for, and be examined by what procurement this *Subpœnâ* was taken forth.

Debate concerning the same.

F Sir *Humphrey May*, Chancellor of the Duchy, and one of the Privy Counsel, assured the House that this neither proceeded from King nor Council, and therefore desired it might be searched into the bottome.

And

An. 1628.

The mistake of the Subpœnâ cleared.

And it was afterwards cleared by Master Attorney General, by his writing a Letter to Mr. *Rolls*, that the serving a *Subpœnâ* upon him was a mistake; and prayed that a favourable interpretation might be given of that matter.

A report from the Committee for Tunnage and Poundage.

Upon report from the Committee for Tunnage and Poundage, Sir *John Wolstenholme*, Mr. *Dawes*, and Mr. *Carmarthan* were ordered to appear at the Barr on *Friday* next, and report was made to the House that Master Attorney (notwithstanding his Letter did give order for the processe against *Mr. Rolls*, and that in the Bill preferred in the Exchequer, it was expressed the Merchants did plot, practice and combine against the peace of the Kingdome; This business being a matter of weight, the further consideration thereof was appointed for another day, and no member might go out of Town without Licence. A

Thursday the 12. *of February.*

Committee meet again upon Tunnage and Poundage.

THe House was turned into a Committee concerning the business of Tunnage and Poundage, and several Merchants did Petition that their goods were not only seized, but informations preferred in Star-Chamber against them; The Committee in their debate inclined that the Merchants might have their goods before they enter upon the Bill for Tunnage, and *Mr. Noy* expressed himself in these words. B

Mr. *Noy* concerning Tunnage and Poundage.

We cannot safely give, unless we be in possession, and the proceedings in the Exchequer nullified; as also the information in the Star-Chamber, and the annexion to the Petition of Right, for it will not be a gift, but a confirmation, neither will I give without the removal of these interruptions, and a Declaration in the Bill that the King hath no right but by our free gift; if it will not be accepted, as it is fit for us to give, we cannot help it; if it be the Kings already, we do not give it. C

Barons of the Exchequer sent unto about staying the delivery of Merchants goods.

Hereupon the House ordered that the Barons of the Exchequer be sent unto, to make void their injunction and order, concerning the staying of Merchants goods, to which the Barons returned this answer. D

The Barons Answer.

Whereas the Honourable House of Commons by order of the 12. of this instant *February* have appointed that notice shall be given to the Lord Treasurer, Chancellor, & Barons of the Exchequer of a Declaration made by Sir *John Wolstenholme*, *Abrah. Dawes*, and *Rich. Carmarthan* in the House of Commons, that the goods that the Merchants brought into the Kings Store-house, and laid up there for his Majesties use, were detained, as they conceive, onely for the duty of Tunnage and Poundage, and other sums comprized in the Book of rates, which notice was given, to the end the said Court of Exchequer might further proceed therein, as to justice shall appertain; Now the Lord Treasurer, Chancellour and Barons out of their due respect to that honourable House, and for their satisfaction, do signifie that by the Orders and Injunctions of the said Court of Exchequer they did not determine, nor any way touch upon the right of Tunnage and Poundage, and so they declared openly in Court, at the making of these Orders, neither did they by the said Orders or Injunctions barr the Owners of those goods, to sue for the same in a lawful course, but whereas the said Owners endeavoured to take the same goods out of the Kings actual possession by Writs, or Plaints of Replevin, which was no lawful action or course in the Kings case, nor agreeable to his Royal Prerogative, therefore the said Court of Exchequer, being the Court for ordering the Kings Revenue, did E F

did by those Orders and Injunctions stay those Suits, and did fully declare by the said Orders, that the owners, if they conceived themselves wronged, might take such remedy as the Law alloweth.

Richard Weston, *Lo. Newburgh.*
John Walter, *John Denham.*
Tho: Trevor. *George Vernon.*

A The Answer of the Lord Treasurer and Barons, instead of satisfaction expected by the House, was looked upon as a justification of their Actions, whereupon a motion was made to go on, to consider of their proceedings, and whether ever the Court of Exchequer held this course before, for staying of Replevins, and whether this hath been done by Prerogative of the King in his Court of Exchequer. Not satisfactory.

B A report was made from the Committee concerning the pardons granted by the King since the last Session, to certain persons questioned in Parliament, and the reporter informed the House, that they do finde upon examination that Dr. *Sibthorpe*, and Mr. *Cosens* did solicite the obtaining of their own pardons, and that they said the Bishop of *Winchester* would get the Kings hand to them, and it did also appear to the Committee, that the Bishop of *Winchester* did promise the procuring of Mr. *Montagues* pardon; that Dr. *Manwaring* solicited his own pardon, and that the Bishop of *Winchester* got the Kings hand to it, Mr. *Oliver Cromwell* being of this Committee, informed the House what countenance the Bishop of *Winchester* did give to some persons that preached flat Popery, and mentioned the persons by name, and how by this Bishops means, *Manwaring* (who by censure the last Parliament, was disabled for ever holding any Ecclesiasticall dignity in the Church, and confessed the Justice of that Censure) is nevertheless preferred to a rich Living: If these be the steps to Church preferment (said he) what may we expect. A report concerning pardons to Dr. *Manwaring*, Mr. *Montague*, &c.

C Mr. *Cromwel* against the Bishop of *Winchester*.

D A Petition from the Booksellers and Printers in *London*, was also presented, complaining of the restraint of Books written against Popery and *Arminianism*, and the contrary allowed of by the only means of Dr. *Laud* Bishop of *London*, and that divers of the Printers and Booksellers have been sent for by Pursuivants for Printing Books against Popery, and that Licensing is only restrained to the Bishop of *London* and his Chaplains, and instanced in certain Books against Popery, which were denyed to be Licenced. A complaint of the not licensing of Books against Popery

E Upon which occasion Mr. *Selden* declared, that it is true, there is no Law to prevent the Printing of any Books in *England*, only a Decree in Star-Chamber, and he advised that a Law might be made concerning Printing, otherwise he said a man might be Fined, Imprisoned, and his Goods taken from him by vertue of the said Decree, which is a great Invasion upon the Liberty of the Subject. Mr. *Selden* concerning Printing.

F The House of Commons being informed that an Information was preferred in the Star-Chamber, against *Richard Chambers* and others, concerning some matters that fell out about their refusal to pay Tunnage and Poundage since the last Session of Parliament, because the same was not granted by Act of Parliament, they referred the same to a Committee to examine the truth of their proceedings, and that whither they ought not to have priviledge of Parliament, in regard they had then

An. 1628.

then a Petition depending in Parliament to protect them against the ſaid proceedings, and Sir *William Acton* Sheriff of *London*, being examined before the Committee concerning ſome matters about the Cuſtomers, and not giving that cleare Anſwer which he ought, and as the Houſe conceived he might have done, was therefore committed to the Tower of *London*. And a Queſtion was made in the Houſe at that time, whether the Houſe had at any time before committed a Sheriff of *London* to priſon, to which Mr. *Selden* made Anſwer, that he could not call to mind a preſident of ſending one Sheriff of *London* to priſon, but he well remembred a preſident of ſending both the Sheriffs of *London* to the Tower, and inſtanced the Caſe. A

Debates about increaſe of Popery.

Friday *February* 13. the Parliament fell into conſideration of the great increaſe of Popery, and it was moved to examine the releaſing of the Jeſuites that were arraigned at Newgate, whereof one onely was condemned, though they were ten in number, and they all Prieſts, and had a Colledge here in *London* about *Clerken-well*, theſe men (ſaid ſome) could not attempt theſe acts of boldneſs, but that they have great countenancers. B

Secretary *Cook* concerning the Prieſts arraigned at *Newgate*.

Hereupon Secretary *Cook* declared that a Miniſter of State having notice of theſe ten perſons, and this Colledge intended to be kept at *Clarkenwell*, acquainted his Majeſty with it, and I ſhould not diſcharge my duty, if I ſhould not declare how much his Majeſty referred it to the eſpecial care of the Lords of the Councel, who examining the ſame, ſent thoſe ten perſons to *Newgate*, and gave order to Mr. Attourney to proſecute the Law againſt them. He further added, that this Colledge was firſt at *Edmonton*, removed from thence to *Camberwel*, and thence to *Clerkenwell*. C

Hereupon it was Ordered that all the Knights and Burgeſſes of the Houſe, ſhall to morrow morning declare what knowledge they have of Letters, and other means that have been uſed for the ſtaying of proceedings againſt Recuſants, and Meſſengers were ſent to Mr. Attourney to examine him touching that matter. D

Mr. *Long* a Juſtice of peace examined.

Mr. *Long* a Juſtice of Peace, who was ſaid to underſtand much in the ſame buſineſs, was likewiſe ſent for and examined, and ſaid; that by the appointment of Mr. Secretary *Cook*, he apprehended theſe perſons, and took their Examinations, and ſaid further, that he heard they were delivered out of *Newgate*, by Order from Mr. Attourney; That Mr. *Middlemore* a general Solicitor for the Papiſts hired this houſe, and that there are divers Books of Accompts, of Receipts and Diſburſements to the value of 300. l. *per an.* with divers Recuſants names, who allowed towards the maintenance of this Colledge, and theſe Books and papers are in the hands of *Mr.* Secretary *Cook*. E

It was further reported from the Committee, that the Prieſt taken at *Clerkenwell*, which was condemned, ſhould be Reprieved by a Warrant from the King, ſignified by a Privy Councellor: and another Warrant was produced by the Keeper of *Newgate*, under the hand of the Kings Atturney General to releaſe the other 9. Prieſts; to which Mr. Secretary *Cook* replyed, the K. being merciful in caſe of blood, gave direction for the Reprieving the condemned Prieſt, but the Houſe not willing to let this paſs, appointed certain of their Members to go to the Lord chief Juſtice and the reſt of the Judges, who were there preſent at the Trial, to know why the Papers and Evidences which Mr. *Long* had to produce, were not made uſe of. F

The

4 Caroli.

Sir Robert Heath his answer concerning the prosecution of the Priests.

The Committee appointed to examine the Atturny-General, reported this answer:

I did receive (said the Atturny) *order touching some Persons taken in* Clarkenwel, *conceived to be Priests, from the Council-Board, and for that refer my self to the Order.*

And I conceive I did follow the directions of that Order.

A *I did my self cause them to be sent for from the several prisons where they were formerly committed, and I committed them all to* Newgate, *as the Order from the Council-Board directed; and I gave directions for Indictments to be drawn against them, as for being Priests; and I sent for, and conferred with the witnesses, and took their Informations: and I sent for* Mr. Long *who was formerly acquainted with that business, as I was advised to do by* Mr. Secretary Cook, *and desired him to take special care thereof at the Sessions. And I did not conceive, that by the Order I was directed to go thither my self; but if I had been so directed, and had so conceived it, I should not have declined the service. I know*

B *not, nor never heard of any Lands conveyed to the use of these persons, or of any foundation there; but there was some mention made thereof in some of the papers delivered to me by* Mr. Secretary, *but so generally, as I know not how to enquire thereof; but I did take care to intitle the King to the goods, as the special directions to me was by the Order of the Board; and the Indictment failed to be found against all but one: and I gave warrant to the Treasurers remembrancer of the Exchequer, for a special commission to that purpose; and I advised with* Mr. Long,

C *who were fit Commissioners for that purpose; and after with* Mr. Scrivener: *and a Commission was granted to Gentlemen of very good quality, and an inquisition is found and returned accordingly, whereby the King is intitled to the goods.*

I had warrant from his Majesty to bayl them: but for the manner of that, I must crave leave to acquaint the King therewith, before I answer any further.

I understood that an Indictment was preferred against three of them for Treason, and I did direct Mr. Long, *that if the Indictment should not be found*

D *for Treason, yet to tender them and all the rest the Oath of Allegeance, to bring them within the Kings mercy, upon a Premunire, if they should refuse the Oath: and I understood the Oath was ministred to them accordingly at that Sessions; and I understood after, that the Indictment was found against one of them onely to be a Priest, and that the other were quit. Therefore receiving an expres commandment from the King for the bayling of them, I did conceive they were baylable, which otherwise of my self I would not have done: the Bonds I took, and*

E *keep them my self, for the surety, I refer my self to the bond, and understand that some of them were house-keepers in the Town.*

I gave directions for Indictments to be drawn against them, but I gave no special directions, whether it should be drawn as against Jesuits or Priests, but left that to the care of Mr. Long; *and did not then conceive there was any difference in the substance of the Indictment for Treason between Priests and Jesuits.*

I can give no special reason why I rather bound them to appear at the Council-Table then at the Sessions, but only this, because I received my first direc-

F *tions from the Council-Board.*

When the Sessions was past, I did enquire of Mr. Long *what was the success of these Indictments: who informed me, that one only was found guilty of being a Priest; and thereupon I gave order for the Commission before mentioned to enquire of their goods.*

An. 1628

And being again ſent unto for a clearer anſwer, he ſaid, *For the Warrant which I received for the diſcharge of the priſoners, and the Bond taken by me upon their deliverance, which has a dependance upon that Warrant, and whereof ye require an account, I have attended his Majeſty, but yet have no leave to ſhew them; and the Bonds being taken but in* December *laſt, I keep them with me, as I conceive was proper for my place; but ſhall be ready to deliver them when I ſhall receive a commandment to that purpoſe.*

A Faſt. Mr. *Dawes* anſwer to the Commons.

Wedneſday the eighteenth of *February*, the Faſt was kept; and the nineteenth of *February*, Mr. *Dawes* one of the Cuſtomers, being called in to anſwer the point of Priviledge in taking Mr. *Rolls* Goods, a Member of this Houſe, ſaid, *That he took Mr.* Rolls *Goods by vertue of a Commiſſion under the great Seal, and other Warrants. That he knew Mr.* Rolls *demanded his Priviledge, but he did underſtand his Priviledge did only extend to his perſon, not to his goods.* And he further ſaid, *He took thoſe Goods for ſuch duties as were due in the time of King* James, *and that the King had ſent for him on* Sunday *laſt, and commanded him to make no other anſwer.*

Mr *Carmarthens* anſwer.

Mr. *Carmarthen*, another of the Cuſtomers, being called in, ſaid, *That he knew Mr.* Rolls *to be a Parliament-man, and told him*, He did not finde any Parliament-man exempted in their Commiſſion; *and as for the words charged on him, that he ſhould ſay*, If all the body of the Houſe were in him, he would not deliver the Goods; *he anſwered, If he ſaid he would not, it was becauſe he could not.*

Mr. *Selden.*

Mr. *Selden* hereupon ſaid, *If there be any near the King that doth miſpreſent our Actions, let the curſe light on them, not on us; and believe it, it is high time to vindicate our ſelves in this caſe, elſe it is in vain for us to ſit here.*

The Houſe in a Committee about the Cuſtomers anſwer.

It was hereupon reſolved by queſtion, That this ſhall be preſently taken into conſideration; and being conceived to be a buſineſs of great conſequence, it was ordered that the houſe be diſſolved into a Committee, for the more freedom of debate; and that no Member go out of the Houſe without leave, during the ſitting of the Committee.

Mr. *Noy.*

Mr. *Noy* was of opinion, That the Cuſtomers had neither Commiſſion nor command to ſeize, therefore without doubt the Houſe may proceed ſafely to the Queſtion; that the priviledge is broken by the Cuſtomers, without relation to any commiſſion or command from the King: which motion was ſeconded by Mr. *Nathaniel Rich.*

Meſſage by Secretary *Cook* from the King about the Cuſtomers.

Munday the 23 of *February*, the ſame buſineſs continued under debate, and ſome were for a bare reſtitution of the Goods taken, others for impleading thoſe who took them as Delinquents: in the mean time, Mr. Secretary brought this meſſage from the King, That it concerns his Majeſty in a high degree of juſtice and honour, that truth be not concealed; which is, that what the Cuſtomers did, was by his own direct order and command, at the Council-board, himſelf being preſent: and though his Majeſty takes it well that the houſe have ſevered his intereſt from the intereſt of the Cuſtomers, yet this will not clear his Majeſties honour, if the ſaid Cuſtomers ſhould ſuffer for his ſake. This meſſage was grounded upon this enſuing Order made the day preceding by the King in full Council.

At *White-hall* the 22 of *February*, 1628.

Order by the King and Council concelning the Coſtomers.

THis day his Majeſty in full council taking knowledge of the debate in the houſe of Commons the day before, concerning the Officers

cers of his Customs, and of the respect used by the Committee to sever the private interest of the said Officers from that of his Majesty; holding it to concern him highly in justice and honour, to let the truth in such a point touching his servants, to be either concealed or mistaken, did there declare, *That what was formerly done by his Farmers and Officers of the Customs, was done by his own direction and commandment, and by direction and commandment of his Privy-Council, himself for the most part being present in Council: and if he had been at any time from the Council-board, yet he was acquainted with their doings, and gave full direction in it; and therefore could not in this sever the act of his Officers from his own Act, neither could his Officers suffer for it without high dishonour to his Majesty.* This being particularly voted by the whole Council, was the general assent of them all; and accordingly Mr. Secretary *Cook* had order to deliver a Message the next day from his Majesty to the house of Commons. 4 *Caroli.*

The Kings Commission to the Lord Treasurer, and Barons of the Exchequer, and to the Customers of the Ports, was to this effect:

C. R.

The Kings Commission to the Customers, &c.

"WHereas the Lords of our Council taking into consideration our "Revenue, and finding that Tonnage and Poundage is a prin-"cipal Revenue of our Crown, and has been continued for these ma-"ny years; have therefore ordered all those duties of Subsidie, Cu-"stome and Impost, as they were in the 21 of King *James*, and as they "shall be appointed by us under our Seal, to be levied: know ye, that "we by advice of our Lords, declare our will, that all those duties be "levied and collected as they were in the time of our father, and in such "manner as we shall appoint: and if any person refuse to pay, then "our will is, That the Lord Treasurer shall commit to prison such so "refusing, till they conform themselves; and we give full power to all "our officers from time to time to give assistance to the Farmers of the "same, as fully as when they were collected by Authority of Parlia-"ment.

Resolve concerning Mr. *Rolls.*

Soon after report was made from the grand Committee, that they took into their consideration the violation of the Liberty of the house by the Customers; and at last they resolved that Mr. *Rolls*, a Member of the house, ought to have priviledge of person and goods; but the command of the King is so great, that they leave it to the house. After the passing of this vote, the Kings late message by Mr. Secretary *Cook* was taken into consideration.

Debates.

Some took occasion to say, That these interruptions proceeded from some Prelates, and other Abettors of the Popish party, who feare to be discovered, and would provoke to a breach: to which Sir *Humphry May* reply'd: *We have Oyl and Vinegar before us; if you go to punish the Customers as Delinquents, there is Vinegar in the Wound: Think rather of some course to have restitution*; others said, *Delinquency cannot be named, but presently a breach must be intimated: when we do that which is just, let there be no fear nor memory of Breaches, and let us go to the Delinquency of the men.*

Sir *John Ellyots* Speech against particular persons.

Hereupon Sir *John Elliot* made a Speech, and therein named Dr. *Neal* the Bishop of *Winchester*, and the great Lord Treasurer, *in whose person* (said he) *all evil is contracted; I find him acting and building on those grounds laid by his Mr. the Great Duke; and his spirit is moving to*

An. 1627.

these interruptions, and they for fear break Parliaments, lest Parliaments should break them; I find him the head of all the great party; the * Papists, all Jesuits and Priests derive from him their shelter and protection, &c. A little interruption being here given, he proceeded further in his Speech, and afterwards the Speaker was moved to put the Question then proposed by the House; but he refused to do it, and said, *That he was otherwise commanded from the King.*

* Lord Weston afterwards died a Papist.

The Speaker refuses to put the Question.

Mr. Seldens Speech thereupon.

Then said Mr. *Selden*, *Dare not you*, Mr. Speaker, *put the Question when we command you? If you will not put it, we must sit still; thus we shall never be able to do any thing; they that come after you, may say, They have the Kings command not to do it: we sit here by the command of the King under under the Great Seal, and you are by his Majesty sitting in his Royal Chair before both Houses, appointed our Speaker; and now you refuse to perform your Office.*

Hereupon the House in some heat adjourned until *Wednesday* next.

On *Wednesday* the 25 of *February*, both Houses by his Majesties command were adjourned till *Munday* morning the second of *March*.

Munday the second of *March*, the Commons meet, and urge the Speaker to put the Question; who said, *I have a command from the King to adjourn till* March *the tenth, and put no Question:* and endeavoring to go out of the Chair, was notwithstanding held by some Members (the House foreseeing a dissolution) till this ensuing Protestation was published in the House: *viz.*

The Speaker again refuseth to put the Question.

Protestation in Parliament propounded whilst the Speaker was held in his chair.

Whosoever shall bring in Innovation of Religion, or by favour or countenance seek to extend or introduce Popery *or* Arminianism, *or other opinion disagreeing from the Truth and Orthodox Church, shall be reputed a Capital Enemy to this Kingdom and Commonwealth.*

2. *Whosoever shall counsel or advise the taking and levying of the Subsidies of Tunnage and Poundage, not being granted by Parliament, or shall be an Actor or Instrument therein, shall be likewise reputed an Innovator in the Government, and Capital Enemy to the Kingdom and Commonwealth.*

3. *If any Merchant or Person whatsoever shall voluntarily yeeld, or pay the said Subsidies of Tunnage and Poundage, not being granted by Parliament; he shall likewise be reputed a Betrayer of the Liberties of* England, *and an Enemy to the same.*

The King sends the Usher of the Lords House.

Hereupon the King sent for the Sergeant of the House, but he was detained, the Door being lockt; then he sent the Gentleman-Usher of the Lords House, with a Message; and he was refused admittance, till the said Votes were read; and then in much confusion the House was adjourned to the tenth of *March*, according as it was intimated from his Majesty. Nevertheless his Majesty by Proclamation dated the second of *March*, declares the Parliament to be dissolved.

The passages of this day and the preceding day in Parliament, are hereafter more fully related in the proceedings in the Kings Bench.

By the King.

A Proclamation about the dissolving of the Parliament.

Whereas we for the general good of our Kingdom, called our high Court of Parliament **to assemble and meet by prorogati-**

on

5 *Caroli.*

on, the 20 day of January laſt paſt; ſithence which time the ſame hath been continued. And although in this time by the malevolent diſpoſitions of ſome ill affected perſons of the Houſe of Commons, We have had ſundry juſt Cauſes of offence and diſlike of their proceedings; yet We reſolved with patience to trie the uttermoſt, which we the rather did, for that We found in that Houſe a great number of ſober and grave Perſons, well-affected to Religion and Government, and deſirous to preſerve unity and peace in all parts of Our Kingdom. And therefore, having on the five and twentieth day of February laſt, by the uniform advice of our Privy-Council, cauſed both Houſes to be adiourned until this preſent day, hoping in the mean time, that a better and more right underſtanding might be begotten between Us and the Members of that Houſe, whereby this Parliament might have a happy end and iſſue.

And for the ſame intent, We did again this day command the like Adiournment to be made, until the tenth day of this Month: It hath ſo happened by the diſobedient and ſeditious carriage of thoſe ſaid ill affected perſons of the Houſe of Commons, That We, and Our Regal Authority and Commandment, have been ſo highly contemned, as our Kingly Office cannot bear, nor any former age can paralel. And therefore it is Our full and abſolute reſolution to diſſolve the ſame Parliament, whereof We thought good to give notice unto all the Lords Spiritual and Temporal, and to the Knights, Citizens, and Burgeſſes of this preſent Parliament, & to all others whom it may concern, That they may depart about their needful affairs, without attending any longer here. Nevertheleſs, We will that they and all others ſhall take notice, that We do, and ever will diſtinguiſh between thoſe who have ſhewed good affection to Religion and Government, and thoſe that have given themſelves over to faction, and to work diſturbance to the peace and good order of Our Kingdom.

Given at our Court at *Whitehal*, this ſecond day of *March*, in the fourth yeer of Our Reign of Great *Britan*, *France* and *Ireland*.

This Proclamation was not publiſhed till after the tenth of *March*.

Warrants to apprehend ſeveral Members of Parliament.

The day following Warrants were directed from the Council to *Denzil Holles* Eſq; Sir *Miles Hobert*, Sir *John Elliot*, Sir *Peter Hayman*, *John Selden* Eſq; *William Coriton*, *Walter Long*, *William Stroud*, *Benjamin Valentine*, commanding their perſonal appearance on the morrow. At which time, Mr. *Holles*, Sir *John Elliot*, Mr. *Corriton*, Mr. *Valentine* appearing, and refuſing to anſwer out of Parliament, what was ſaid and done in Parliament, were committed cloſe priſoners to the Tower, and Warrants were given, the Parliament being ſtill in being, for the ſealing up of the ſtudies of Mr. *Holles*, Mr. *Selden*, and Sir *John Elliot*: Mr. *Long*, and Mr. *Stroud* not then, nor of ſome time after appearing, a Proclamation iſſued out, for the apprehending of them.

On the tenth of *March*, being ſix days after the commitment of the ſaid Members, his Majeſty being ſet in his Royal Throne with his Crown on his head, and in his Robes, and the Lords in their Robes alſo:

An. 1629.

so: and divers of the Commons below the Bar, but not their Speaker, neither were they called: his Majesty spake as followeth.

My Lords,

The Kings Speech at the Dissolution of the Parliament.

I Never came here upon so unpleasant an occasion, it being the dissolution of a Parliament; therefore men may have some cause to wonder, why I should not rather chuse to do this by Commission, it being a general maxime of Kings, to leave harsh Commands to their Ministers, themselves only executing pleasing things: yet considering that Justice as well consists in reward, and praise of vertue, as punishing of vice; I thought it necessary to come here to day, and to declare to you and all the world, that it was meerly the undutiful and seditious carriage in the Lower House, that hath made the dissolution of this Parliament; and you, My Lords, are so far from being any causers of it, that I take as much comfort in your dutiful demeanour, as I am justly distasted with their proceedings; yet to avoyd their mistakings, let me tell you, that it is so far from me to adjudge all the House alike guilty, that I know that there are many there as dutiful Subjects as any in the world, it being but some few Vipers among them that did cast this mist of undutifulness over most of their eys; yet to say truth, there was a good number there, that could not be infected with this contagion; insomuch that some did express their duties in speaking, which was the general fault of the House the last day. To conclude, as those Vipers must look for their reward of punishment: so you, My Lords, must justly expect from me that favour and protection, that a good King oweth to his loving and faithful Nobility.

And now, my Lord Keeper, Do what I have commanded you.

Then the Lord Keeper said, *My Lords and Gentlemen of the House of Commons, the Kings Majesty doth dissolve this Parliament.*

Whilst the King is preparing a Declaration of the causes and motives which induced him to dissolve this Parliament, let us see what followed hereupon.

Libels cast abroad.

The discontents of the common people upon this Dissolution were heightned against the powerful men at Court, and the Kings most inward Counsellors: for some few days after, two Libels were found in the Dean of *Pauls* yard; one against Bishop *Laud*, to this effect; *Laud, look to thy self, be assured thy life is sought; as thou art the fountain of wickedness, repent of thy monstrous sins before thou be taken out of the world; and assure they self, neither God nor the world can endure such a vile Counsellor or whisperer to live.* The other was as bad against the L. Treasurer *Weston*.

Members examined before the Lords of the Council.

The King purposing to proceed against the Members of the House of Commons who were committed to Prison by him in the *Star-Chamber*, caused certain Questions to be proposed to the Judges upon the 25 of *April*.

5 *Caroli.* *Anno* 1629.

Questions propounded to the Judges concerning the imprisoned Members.

WHereupon all the Judges met at *Sergeants-Inne* by command from his Majesty, where Mr. *Atturney* proposed certain Questions concerning the offences of some of the Parliament-men committed to the Tower, and other prisons: at which time one Question was proposed and resolved, *viz. That the Statute of* 4 H. 8. 8. *intituled*, An Act concerning *Richard Strode*, *was a particular Act of a Parliament, and extended onely to* Richard Strode, *and to those persons that had joyned with him to prefer a Bill to the House of Commons concerning Tynners; And although the Act be private, and extendeth to them alone, yet it was no more then all other Parliament-men by priviledge of house ought to have*, viz. *Freedom of speech concerning*

5 Caroli.

cerning thoſe matters debated in Parliament by a Parliamentary courſe.

The reſt of the Queſtions Mr. *Atturney* was wiſhed to ſet down in writing againſt another day.

Upon *Munday* following, all the Judges met again, and then Mr. *Atturney* propoſed theſe Queſtions.

1. *Whether if any Subject hath received probable Information of any Treaſon or treacherous attempt or intention againſt the King or State, that Subject ought not to make known to the King, or his Majeſties Commiſſioners, when thereunto he ſhall be required, what Information he hath received, and the grounds thereof; to the end, the King being truly informed, may prevent the danger? And if the ſaid Subject in ſuch Caſe ſhall refuſe to be examined, or to anſwer the Queſtions which ſhall be demanded of him, for further inquiry and diſcovery of the truth, whether it be not a high contempt in him, puniſhable in the Star-Chamber, as an offence againſt the general Juſtice and Government of the Kingdom?*

Sol. The reſolution and anſwer of all the Juſtices, That it is an offence puniſhable as aforeſaid, ſo that this do not concern himſelf, but another, nor draw him to danger of Treaſon or contempt by his anſwer.

2. *Whether it be a good anſwer or excuſe, being thus interrogated, and refuſing to anſwer, to ſay,* That he was a Parliament-man when he received this Information, and that he ſpake thereof in the Parliament-houſe; and therefore the Parliament being now ended, he refuſed to anſwer to any ſuch Queſtions but in the Parliament-houſe, and not in any other place?

Sol. To this the Judges by adviſe privately to Mr. *Atturney*, gave this Anſwer, "That this excuſe being in Nature of a Plea, and an errour "in judgement, was not puniſhable until he were over-ruled in an or-"derly manner to make another anſwer; and whether the party were "brought in *Ore tenus*, or by Information, for this Plea he was not to be "puniſhed.

3. *Whether a Parliament-man committing an offence againſt the King or Council not in a Parliament way, might after the Parliament ended, be puniſhed or not?*

Sol. All the Judges *una voce* anſwered, He might, if he be not puniſhed for it in Parliament; for the Parliament ſhall not give priviledge to any *contra morem Parliamentarium*, to exceed the bounds and limits of his place & duty. And all agreed, That regularly he cannot be compelled out of Parliament to anſwer things done in Parliament in a Parliamentary courſe; but it is otherwiſe where things are done exorbitantly, for thoſe are not the Acts of a Court.

4. *Whether if one Parliament-man alone ſhall reſolve, or two or three ſhall covertly conſpire to raiſe falſe ſlanders and rumours againſt the Lords of the Council and Judges, not with intent to queſtion them in a Legal courſe, or in a Parliamentary way, but to blaſt them, and to bring them to hatred of the people, and the Government in contempt, be puniſhable in the Star-Chamber after the Parliament is ended?*

Sol. The Judges reſolve that the ſame was puniſhable out of Parliament, as an offence exorbitant committed in Parliament, beyond the office, and beſides the duty of a Parliament-man.

There was another Queſtion put by Mr. *Atturney*, viz.

Whether if a man in Parliament, by way of digreſſion, and not upon any occaſion ariſing concerning the ſame in Parliament, ſhall ſay, The Lords of the Council and the Judges had agreed to trample upon the Liberty of the Subject, and the priviledges of Parliament, he were puniſhable or not?

The Judges deſired to be ſpared to make any anſwer thereunto, becauſe it concerned themſelves in particular.

The

An. 1629.

The next day Mr. Atturny put the Judges another Case.

It is demanded of a Parliament-man, being called *Ore tenus* before the Court of *Star-Chamber*, being charged that he did not submit himself to examination for such things as did concern the King and the Government of the State, and were affirmed to be done by a third person, and not by himself, if he confess his hand to that refusal, and make his excuse, and plead because he had priviledg of Parliament;

Whether the Court will not over-rule this plea as erronious, and that he ought to make a further answer. A

Answer.

It is the justest way for the King and the party not to proceed *Ore tenus*, because it being a point in Law, it is fit to hear Counsel before it be over-ruled; and upon an *Ore tenus* by the Rules of *Star-Chamber*, Counsel ought not to be admitted; and that it would not be for the Honor of the King, nor the safety of the subject to proceed in that manner.

Mr. *Stroud* and Mr. *Long* brought upon a *Habeas Corpus*.

Pasca 5 *Car.* upon a *Habeas Corpus* of this Court to bring the body of *William Stroud* Esq; with the cause of his imprisonment to the Marshal of the Kings Bench; It was returned in this manner, *That* Mr. William Stroud *was committed under my custody by vertue of a certain Warrant, under the hands of twelve of the Lords of the Privy-Council of the King*: the tenor of which Warrant followeth in these words. B

YOu are to take knowledge, that it is his Majesties pleasure and commandment, that you take into your custody the Body of William Stroud Esq; *and keep him close prisoner till you shall receive other order, either from his Majesty or this Board; for so doing, this shall be your Warrant.* Dated this 2 of *April* 1629. And the direction of the Warrant was, *To the Marshal of the Kings Bench, or his Deputy.* C

He is also detained in prison by vertue of a Warrant under his Majesties hand; the tenor of which Warrant followeth in these words.

C. R.

WHereas you have in your custody the Body of William Stroud Esq; *by Warrant of Our Lords of our Privy-Council, by Our special Command, you are to take notice, that this commitment was for notable contempts by him committed against Our Self and Our Government, and for stirring up sedition against Us, for which you are to detain him in your custody, and to keep him close prisoner until Our pleasure be further known concerning his deliverance.* Given at *Greenwich*, the 7 of *May* 1629. in the 5 yeer of Our Reign. D

The direction being, *To the Marshal of Our Bench* for the time being, *& hæ sunt causæ captionis & detentionis prædicti* Gulielmi Stroud.

And upon another *Habeas Corpus* to the Marshal of the Houshold to have the Body of *Walter Long* Esq; in Court, it was returned according as the Return of Mr. *Stroud* was. B

Mr. *Ask* of the *Inner-Temple* of Counsel for Mr. *Stroud*, and Mr. *Mason* of *Lincolns-Inn* of Counsel for Mr. *Long*, argued against the insufficiency of the Return; which with the Arguments of the Kings Counsel we here forbear to mention, lest it be too great a diversion to the Reader from the Historical part; yet those and other Arguments we have nevertheless postponed at the end of this first Volume, for the benefit of the Students of the Law: which course as to Arguments in Law, wherein the Prerogative of the one hand, and Liberty and Propertie of the other hand are concerned, we purpose to observe in our next and other Volumes, as matter of that nature falls out in series of Time. F

The

5 *Caroli.*

An Information in Star-Chamber against the Members.

The seventh of *May*, an Information was exhibited in the Star-Chamber; which because it is a remarkable Proceeding, we give you here at large.

Jovis Septimo die Maii, Anno Quinto Ca. R.

To the Kings most excellent Majesty,

Ro. Heath. Hu. Davenport. Ro. Bartley. Heneage Finch. William Hudson

HUmbly sheweth and informeth unto Your most excellent Majesty, Sir *Robert Heath* Knight, Your Majesties Attorney General, for and on Your Majesties behalf, That whereas by the Ancient and Fundamental Laws of this Kingdom, the high Court of Parliament consisteth of the Lords Spiritual and Temporal in the Lords House, and of the Knights, Citizens and Burgesses in the Commons House of Parliament, and those two Houses thus composed, do together make up that great and honourable Body whereof Your most excellent Majesty, as the supreme Soveraign, is the head: and whereas the Power of summoning and assembling of Parliaments, and of continuing, proroguing, adjourning and dissolving thereof within this Realm at Your good pleasure, is the undoubted Right of your Majesty; and the Liberty and Freedom of Speech, which the Members of the said Houses of Parliament have according to the Priviledges of those several Houses, to debate, consult and determine of those things which are propounded amongst them, is, and ever hath been, and ought to be, limited and regulated within the bounds of Moderation and Modesty, and of that Duty which Subjects owe to their Soveraign: and whereas Your Majesty for many weighty Causes, and for the general Good and Defence of the Church and State of this Your Kingdom, lately summoned a Parliament to be holden at Your City of *Westminster*, the seventeenth day of *March*, in the third year of Your Majesties Reign, which continued from thence by prorogation until the twentieth day of *January* last; from which day, until the twenty fifth day of *February* following, the said Houses continued sitting. And although the great part of the House of Commons, being zealous of the Common Good, did endeavour to have effected those good things for which they were called thither; yet between the said twentieth day of *January*, and the said twenty fifth day of *February*, by the malevolent Disposition of some ill-affected Members of the said House, sundry Diversions and Interruptions were there made, and many Jealousies there unjustly raised and nourished, to the disturbance of those orderly and Parliamental proceedings which ought to have been in so grave a Council. During which time of the said last meeting in Parliament, as aforesaid, so it is, may it please your most excellent Majesty, that Sir *John Elliot* Knight, then, and all the time of the said Parliament, being one of the Members of the said Commons House, wickedly and malitiously intending, under a feigned Colour and Pretence of debating the necessary Affairs of the present estate, to lay a scandal and unjust Aspersion upon the right honorable the Lords, and others of your Majesties most honourable Privy-Council, and upon the reverend Judges, and your Counsel learned, and as much as in him lay to bring them into the hatred and ill opinion of the people; after the said twentieth day of *January*, and before the said twenty fifth day of *February* last, did openly and publickly

An Information in Star-Chamber against Sir *Jo. Elliot*, &c.

An. 1629

ickly in the ſaid Houſe of Commons, falſly and malitiouſly affirm, That your Majeſties Privy-Council, all your Judges, and your Counſel learned, had conſpired together to trample under their feet the Liberties of the ſaid Subjects of this Realm, and the priviledges of that Houſe. And further: ſo it is, may it pleaſe your moſt excellent Majeſty, that when your Majeſty, upon the twenty fifth day of *February*, had by Sir *John Finch*, Knight, then Speaker of the ſaid houſe of Commons, ſignified your Royal pleaſure to the ſaid houſe, that the ſaid houſe of Commons ſhould be inſtantly adjourned until the ſecond day of *March* then following, he the ſaid Sir *John Elliot*, and *Denzil Holles* Eſquire, *Benjamin Valantine* Gent. *Walter Longe* Eſquire, *William Corriton* Eſquire, *William Strode* Eſquire, *John Selden* Eſquire, Sir *Miles Hobert*, and Sir *Peter Hayman*, Knights, all Members at that time of the ſaid Commons houſe, conceiving with themſelves that your Majeſty, being juſtly provoked thereto, would ſpeedily diſſolve that Parliament; They the ſaid Sir *John Elliot*, *Denzil Holles*, *Benjamin Valentine*, *Walter Longe*, *William Corriton*, *William Strode*, *John Selden*, Sir *Miles Hobert*, and Sir *Peter Hayman*, and every of them, by unlawful Confederacie and Combination between them in that behalf before had, did malitiouſly reſolve, agree and conſpire how and by what means before that Parliament ſhould be diſſolved, they might raiſe ſuch falſe and ſcandalous rumours againſt your Majeſties Government, and your Counſellours of Eſtate attending your perſon, that thereby as much as in them lyeth, they might diſturb the happy Government of this Kingdom by and under your Majeſty, interrupt the courſe of traffique and trade, diſcourage your Merchants, and raiſe Jealouſies and Suſpitions in the hearts of your people, that the Sincerity of the true Religion profeſſed and eſtabliſhed in this Kingdom was neglected: and in purſuance of this their Reſolution and Confidence aforeſaid, the ſaid Sir *John Elliot*, with the privitie and conſent of the ſaid *Denzil Holles*, and all other the ſaid confederates, did prepare a paper or writing, wherein he had written, or cauſed to be written, divers falſe and ſcandalous Aſſertions touching your Majeſties Government, and touching the perſons of divers of your Privy-Council, which he and they reſolved, and conſpired, and agreed, ſhould be delivered into the ſaid houſe of Commons, and there publickly read, to the wicked and ſeditious intents and purpoſes aforeſaid, and not with any purpoſe or opinion that thoſe things that were therein contained, if they, or any of them had been true, as indeed they were not, ſhould or could be at that time entertained, or purſued in any legal or Parliamentary way, but meerly and onely to expreſs and vent his and their own Malice and Diſ-affection of your Majeſty and your happy Government. And your Majeſty upon the ſaid ſecond day of *March* now laſt paſt, having ſignified Your Royal pleaſure unto the ſaid Sir *John Finch*, then the Speaker of that Houſe, That the ſaid Houſe ſhould then be preſently adjourned until the tenth day of the ſaid Moneth of *March*, without any further ſpeech or proceedings at that time; and the ſaid Speaker then delivered Your Majeſties pleaſure and commandment to the ſaid Houſe accordingly, and declared unto them Your Majeſties expreſs charge and command unto him, That if any ſhould notwithſtanding diſobey Your Majeſties command, that he muſt forthwith leave the charge, and wait upon Your Majeſty: unto which commandment of Your Majeſty, and ſignification of Your

charge

5 Caroli

Your Royal pleaſure in that behalf, for a preſent adjournment of the Houſe, the greateſt number of the Members of that Houſe, in their duty and Allegeance unto your Majeſty, were willing to have given a ready Obedience, as the Lords Spiritual and Temporal of the Lords Houſe, upon the very ſame day, upon the like ſignification made unto them of your Majeſties pleaſure, by your Lord Keeper of your Great Seal of *England*, the Speaker of that Houſe, had done: yet ſo it is,
A May it pleaſe your moſt Excellent Majeſty, That the ſaid Sir *John Ellyot*, for the ſatisfying of his own malice, and diſloyal affections to your Majeſty, and by the confederacy and agreement aforeſaid, and in a high contempt and diſobedience unto your Majeſties command aforeſaid, and with ſet purpoſe to oppoſe your Majeſties ſaid command, did ſtand up, and ſeveral times offered to ſpeak. Whereupon the ſaid Speaker, in obedience to your Majeſties ſaid command, endeavoring to have gone out of the chair, the ſaid *Denzil Holles*, and *Benjamin Valentine*
B being then next the Speakers chair, and the one of them on the one hand, and the other of them on the other hand of the Speaker (where they ſo placed themſelves of purpoſe on that day) out of their diſobedience to your Majeſtie, and by the confederacy and agreement aforeſaid, violently, forcibly, and unlawfully, and with purpoſe to raiſe a tumult in the ſaid Houſe, kept and held the ſaid Speaker in the ſaid chair, againſt his will; and the ſaid Speaker again endeavoring to leave the chair, and having then gotten out of the
C chair, they, the ſaid *Denzil Holles* and *Benjamin Valentine* laid violent hands upon the ſaid Speaker, forcibly, and unlawfully, and by ſtrong hand thruſt him into his chair again; and then the ſaid Sir *John Ellyot* again ſtood up, and uſed theſe ſpeeches: (*viz.*) "We have prepa-"red a ſhort Declaration of our intentions, which I hope ſhall agree "with the honour of the Houſe, and the Juſtice of the King: and with that he threw down a paper into the floor of the ſaid Houſe, deſiring it might be read: and the ſaid *Denzil Holles*, *Benj. Valentine*, and all
D other the Confederates aforeſaid, in diſobedience and high contempt of your Majeſties ſaid command, called and cryed out to have the ſame paper read. But ſome others of the Houſe ſpake to the contrary, that it might not be read; and the Houſe thereupon, by reaſon of the diſorderly behaviour of the ſaid Confederates, was much troubled, many preſſing violently and tumultuouſly to have the ſaid paper read, and others dutifully and obediently urging the contrary, to the great diſquiet and diſcomfort of many well-affected Members of that
E Houſe. And the ſaid *William Corriton* in this diſtemper demeaned himſelf ſo paſſionately and violently, that he then and there violently, forcibly, and unlawfully, aſſaulted and ſtroke *Winterton*, Gent. then being a Member of the ſaid Houſe: and divers of the Members of the ſaid Houſe being then deſirous, and endeavoring to have gone out of the ſaid Houſe, the ſaid Sir *Miles Hobert* did of his own head, lock the door of the ſaid Houſe, and kept the key thereof, and impriſoned the Members of the ſaid Houſe, being then in the ſaid Houſe againſt their wills, ſo
F that none of them could go out. And the ſaid *William Strode*, for the further expreſſing of his malignity and undutifulneſs towards your Majeſty, and in purſuance of the agreement and confederacy aforeſaid, openly moved, and with much earneſtneſs urged, that the ſaid paper or declaration might be firſt read, to the end (as he then in great contempt of your Royal Majeſtie ſaid) that we, meaning the Members of the

An. 1629 houſe, may not be turned off like ſcattered ſheep, and ſent home as we were laſt Seſſions, with a ſcorn put upon us in print; meaning thereby the words which your Majeſty in your own Perſon ſpake at the ending of the laſt Seſſion, and cauſed the ſame to be printed: and the ſaid *Stroud* in a very diſorderly manner further moved, That all thoſe who would have the ſaid paper read, ſhould ſtand up; which divers of them thereupon did do accordingly, and he the ſaid *Stroud* amongſt others did ſtand up; and in this heat of contention and height of diſobedience, by the confederacy aforeſaid to have the ſaid paper read, the ſaid Sir *Peter Hayman* with rough and reproachful words, reproved the ſaid Speaker for being conſtant and reſolute in his obedience to your Majeſty, in not putting the reading of the ſaid paper to the Queſtion, as by all the ſaid Confederates, with many Reaſons and Arguments he was urged to do: and the ſaid Sir *Peter Hayman* then further ſaid, That the ſaid Speaker was made an Inſtrument to cut up the Liberty of the Subjects by the roots. But when by no means the ſaid Speaker would be drawn to tranſgreſs your Majeſties Royal command aforeſaid, and leſt the ſaid paper ſhould not be read, the ſaid *John Selden* moved, that the Clerk of the ſaid Houſe might read the ſame: and when the ſaid *Sir John Ellyot* found that he and his Confederates aforeſaid, could not procure the ſaid paper to be read; he, the ſaid Sir *John Ellyot*, to the end he might not loſe that opportunity to vent and publiſh thoſe malitious and ſeditious Reſolutions which he and his Confederates had collected, and prepared as aforeſaid, took back the ſaid paper again, and then immediately in the ſaid houſe, ſaid, *I ſhall now expreſs that by Tongue, which this paper ſhould have done*; and then ſpake theſe words. "The miſerable condition we are in, both in matters of "Religion and Policy, makes me look with a tender eye both to the "Perſon of the King, and to the Subjects: and then ſpeaking of them whom he intended to be ill Inſtruments in this State, at whom he principally aimed, he ſaid, "There are amongſt them ſome Prelates of "the Church, the great Biſhop of *Wincheſter* and his fellows; it is apparent what they have done to caſt an aſperſion upon the honor, and "piety, and goodneſs of the King. Theſe are not all, but it is extended "to ſome others, who I fear in guilt of Conſcience of their own deſert, "do joyn their power with that Biſhop and the reſt, to draw his Majeſty into a jealouſie of the Parliament; amongſt them I ſhall not "fear to name the great Lord Treaſurer, in whoſe perſon I fear is contracted all that which we ſuffer. If we look into Religion or Policy, "I find him building upon the ground laid by the Duke of *Buckingham* "his great Maſter; from him I fear, came thoſe ill Counſels which "contracted that unhappy concluſion of the laſt ſeſſion of Parliament; "I find that not only in the affections of his heart, but alſo in relation "to him; and I doubt not to fix it indubitably upon him: and ſo from "the power and greatneſs of him, comes the danger of our Religion. "For Policy, in that great Queſtion of Tunnage and Poundage, the "intereſt which is pretended to be the Kings, is but the intereſt of that "perſon, to undermine the Policy of this Government, and thereby to "weaken the Kingdom, while he invites ſtrangers to come in to drive "our Trade, or at leaſt our Merchants to trade in ſtrangers bottoms, "which is as dangerous. Therefore it is fit to be declared by us, that all "that we ſuffer, is the effect of new counſels, to the ruine of the Govern-"ment of the State; and to make a proteſtation againſt all thoſe men,

"whether

5. Caroli.

"whether greater or ſubordinate, that they ſhall all be declared as Ca-
"pital Enemies to the King and Kingdom, that will perſwade the King
"to take Tunnage and Poundage without grant of Parliament; and that
"if any Merchants ſhall willingly pay thoſe Duties without conſent of
"Parliament, they ſhall be declared as Acceſſaries to the reſt. Which
Words of the ſaid Sir *John Elliot*, were by him uttered as aforeſaid,
falſly, and malitiouſly, and ſeditiouſly, out of the wickedneſs of his
A own affections towards your Majeſty, and your gratious and religious
Government, and by the Confederacie, Agreement, and Privity of the
ſaid other Confederates, and to lay a ſlander and ſcandal thereupon;
and not with a purpoſe, or in way to rectifie any thing which he concei-
ved to be amiſs, but to traduce and blaſt thoſe perſons againſt whom he
had conceived malice; for ſo himſelf the ſame day in that houſe ſaid,
and laid down as a ground for that he intended to ſay, "That no man
"was ever blaſted in that houſe, but a curſe fell upon him.

B And further: ſo it is, may it pleaſe your moſt excellent Majeſty,
That when the ſaid Sir *John Elliot* had thus vented that malice and wick-
edneſs which lay in his heart, and, as appeareth by his own words,
were expreſſed in the ſaid paper which was prepared as aforeſaid, the
ſaid *Walter Longe*, out of his inveterate malice to your Majeſty and to
your Affairs, and by the confederacy aforeſaid, then and there ſaid, *That
man who ſhall give away my Liberty and Inheritance (I ſpeak of the Mer-
chants) I note them for Capital Enemies to the Kingdome.* And leſt the
C hearers ſhould forget theſe wicked deſperate Poſitions laid down
as aforeſaid, and to the end the ſame might have the deeper im-
preſſion, and be the more divulged abroad to the prejudice of your
Majeſty, and of your great Affairs, and to the ſcandal of your Go-
vernment, the ſaid *Denzil Holles* collected into ſeveral heads what the
ſaid Sir *John Elliot* had before delivered out of that paper, and then
ſaid, *Whoſoever ſhall counſel the taking up of Tunnage and Poundage without
an Act of Parliament, let him be accompted a capital Enemy to the King and
D Kingdom:* And further: *What Merchant ſoever ſhall pay Tunnage and
Poundage without an Act of Parliament, let him be counted a Betrayer of
the Liberty of the Subjects, and a Capital Enemy of the King and King-
dom.*

Which Poſitions thus laid, the ſaid *Denzil Holles* neither be-
ing Speaker, nor ſitting in the Chair as in a Committee by direcci-
on of the Houſe, but in an irregular way, and contrary to all courſe of
orderly proceedings in Parliament, offered to put theſe things ſo deli-
E vered by him as aforeſaid, to the Queſtion, and drew from his confede-
rates aforeſaid, an applauſe and aſſent, as if theſe things had been
voted by the houſe.

And further: ſo it is, may it pleaſe your moſt excellent Majeſty, That
the diſobedience of the ſaid Confederates was then grown to that
height, that when *Edward Grimſton*, the Serjeant at Arms then attending
the Speaker of that houſe, was ſent for by your Majeſtie, perſonally to
attend your Highneſs, and the ſame was made known in the ſaid houſe,
F the ſaid Confederates notwithſtanding at that time forcibly and un-
lawfully kept the ſaid *Edward Grimſton* locked up in the ſaid houſe, and
would not ſuffer him to go out of the houſe to attend your Majeſty:
and when alſo on the ſame day *James Maxwel* Eſquire, the Gentle-
man-Uſher of the Black Rod, was ſent from your Majeſty to the ſaid
Commons houſe with a meſſage immediately from your Majeſties

own

An. 1629.

own person, they the said Confederates utterly refused to open the door of the house, and to admit the said *James Maxwel* to go to deliver his message. After all which, the said house was then adjourned until the said tenth day of *March* then following, and on the said tenth day of *March* the said Parliament was dissolved and ended. In consideration of all which premises, And for as much as the contempt and disobedience of the said *Sir John Ellyot* and other the confederates aforesaid, were so great, and so many and unwarranted by the priviledge and due proceeding of Parliament, and were committed with so high a hand, and are of so ill example, and so dangerous consequence, and remain all unpardoned; Therefore they pray'd a process against them, to answer their contempts in the high Court of *Star-Chamber*.

Memorandum, That the 29. of *May*, *Anno quinto Car. Reg.* these words, viz. *After all which the said House was then adjourned until the said tenth day of* March; *and on the said tenth day of* March *the said Parliament was dissolved and ended*; were added and inserted by order of the Court, immediately before *In tender consideration*, &c.

Proceedings in Star-Chamber against Mr. *Chambers*.

At the same time *Sir Robert Heath* the Kings Atturny General preferr'd an Information in the *Star-Chamber* against *Richard Chambers* of the City of *London* Merchant; wherein, first, he did set forth the gracious Government of the King, and the great Priviledges which the Merchants have in their Trading, by paying moderate duties for the goods and merchandises exported and imported; and setting forth, that the raising and publishing of undutiful and false speeches, which may tend to the dishonour of the King or the State, or to the discouragement or discontentment of the subject, or to set discord or variance between his Majesty and his good People, are offences of dangerous consequence, and by the Law prohibited, and condemned under several penalties and punishments.

That nevertheless the said *Richard Chambers*, the 28. day of *September* last, being amongst some other merchants called to the Councel-board at *Hampton* Court, about some things which were complained of in reference to the Customs, did then and there, in an insolent manner, in the presence or hearing of the Lords and others of his Majesties Privy Council then sitting in Counsel, utter these undutiful, seditious, and false words, *That the Merchants are in no part of the World so skrewed and wrung as in* England; *That in* Turky *they have more incouragement*. By which words, he the said *Richard Chambers*, as the Information setteth forth, did endeavor to alienate the good affection of his Majesties Subjects from his Majesty, and to bring a slander upon his just Government; and therefore the Kings Attorney prayed process against him.

His Answer.

To this *Mr. Chambers* made answer, That having a Case of silk Grogerams brought from *Bristol* by a Carrier to *London*, of the value of 400. l. the same were by some inferior Officers attending on the Custome-house, seized without this Defendants consent; notwithstanding he offered to give security to pay such Customs as should be due by Law, and

5 *Caroli.*

and that he hath been otherwiſe grieved and damnified, by the injurious dealing of the under-Officers of the Cuſtome-houſe; and mentioned the particulars wherein: and that being called before the Lords of the Council, he confeſſeth, that out of the great ſence which he had of the injuries done him by the ſaid inferior Officers, he did utter theſe words, That *the Merchants in* England *were more wrung and ſcrewed then in forreign Parts:* Which words were onely ſpoken in the preſence of the
A Privy-Council, and not ſpoken abroad, to ſtir up any diſcord among the people; and not ſpoken with any diſloyal thought at that time of his Majeſties Government, but onely intending by theſe words to introduce his juſt Complaint againſt the wrongs and injuries he had ſuſtained by the inferiour Officers; and that as ſoon as he heard a hard conſtruction was given of his words, he endeavoured by petition to the Lords of the Council, humbly to explain his meaning, that he had not the leaſt evil thought as to his Majeſties Government; yet was not permitted
B to be heard, but preſently ſent away priſoner to the Marſhalſea: and when he was there a priſoner, he did again endeavour by petition to give ſatisfaction to the Lords of the Council; but they would not be pleaſed to accept of his faithful explanation which he now makes unto this honourable Court upon his Oath; and doth proteſt, from the bottom of his heart, That his *ſpeeches onely aimed at the abuſes of the inferiour Officers; who in many things dealt moſt cruelly with him and other Merchants.*

C There were two of the Clerks of the Privy-Council examined as Witneſſes to prove the words, notwithſtanding the Defendant confeſſed the words in his Anſwer as aforeſaid, who proved the words as laid in the Information. And on the ſixth of *May*, 1629. the Cauſe came to be heard in the Star-Chamber, and the Court were of opinion that the words ſpoken were a comparing of his Majeſties Government with the Government of the Turks; intending thereby to make the people believe that his Majeſties happy Government may be tearmed
D *Turkiſh Tyranny*; and therefore the Court fined the ſaid *Mr. Chambers* in the ſum of 2000 *l.* to his Majeſties uſe, and to ſtand committed to the priſon of the Fleet, and to make ſubmiſſion for his great offence both at the Council-board, in Court of Star-Chamber, and at the Royal Exchange.

There was a great difference of opinion in the Court about the Fine: and becauſe it is a remarkable Caſe, here followeth the names of each ſeveral perſon who gave ſentence, and the Fine they concluded upon,
E *viz.*

His Sentence.

Sir *Francis Cottington*, Chancellour of the Exchequer, his opinion was for 500 *l.* Fine to the King, and to acknowledge his offence at the Council-board, the Star-Chamber-Bar, and Exchange.

Sir *Tho. Richardſon*, Lord chief Juſtice of the common pleas, 500 *l.* Fine to the King, and to deſire the Kings favour.

F Sir *Nicholas Hide*, Lord chief Juſtice of the Kings Bench, 500 *l.* and to deſire the Kings favour.

Sir *John Cook*, Secretary of State 1000 *l.*

Sir *Humphry May*, Chancellour 1500 *l.*

Sir *Thomas Edmons* 2000 *l.*

Sir *Edward Barret* 2000 *l.*

Doctor

An. 1629.

Doctor *Neal*, Biſhop of *Wincheſter*	3000 *l.*
Doctor *Laud*, Biſhop of *London*	3000 *l.*
Lord *Carlton*, principal Secretary of State	3000 *l.*
Lord , Chancellour of *Scotland*	2000 *l.*
Earl of *Holland*	1500 *l.*
Earl of *Doncaſter*	1500 *l.*
Earl of *Salisbury*	1500 *l.*
Earl of *Dorſet*	3000 *l.* A
Earl of *Suffolk*	3000 *l.*
Earl of *Mountgomery*, Lord Chamberlain	1500 *l.*
Earl of *Arundel*, Lord High Marſhal	3000 *l.*
Lord *Montague* Lord Privy Seal	3000 *l.*
Lord *Connoway*,	2000 *l.*
Lord *Weſton* Lord Treaſurer	3000 *l.*
Lord *Coventry*, Lord Keeper of the Great Seal	1500 *l.*

So the fine was ſetled to 2000 *l.* B

And all (except the two Chief Juſtices) concurred for a ſubmiſſion alſo to be made. And accordingly the copy of the ſubmiſſion was ſent to the Warden of the Fleet, from Mr. Atturny General, to ſhew the ſaid *Richard Chambers*, to perform and acknowledg it; and was as followeth:

A ſubmiſſion tendred.

I Richard Chambers *of* London *Merchant, do humby acknowledge, that whereas upon an Information exhibited againſt me by the Kings Atturney General, I was in* Eaſter *Term laſt, ſentenced by the Honourable Court of* Star-Chamber, *for that in* September *laſt* 1628. *being convented before the Lords and others of his Majeſties moſt Honourable Privy-Council Board, upon ſome ſpeeches then uſed concerning the Merchants of this Kingdom, and his Majeſties well and gracious uſage of them; did then and there, in inſolent, contemptuous and ſeditious manner, falſly and maliciouſly ſay and affirm,* That they, *meaning the Merchants*, are in no parts of the world ſo skrewed and wrung as in *England*; and that in *Turky* they have more incouragement. *And whereas by the ſentence of that Honorable Court, I was adjudged among other puniſhments juſtly impoſed upon me, to make my humble acknowledgment and ſubmiſſion of this great offence at this Honorable Board, before I ſhould be delivered out of the Priſon of the Fleet, whereto I was then committed, as by the ſaid Decree and Sentence of that Court, among other things it doth and may appear: Now I the ſaid* Richard Chambers, *in obedience to the Sentence of the ſaid Honorable Court, do humbly confeſs and acknowledg the ſpeaking of theſe words aforeſaid for the which I was ſo charged, and am heartily ſorry for the ſame; and do humbly beſeech your Lordſhips all to be Honorable interceſſors for me to his Majeſty, that he would be graciouſly pleaſed to pardon that great error and fault ſo committed by me.* C D E

When *Mr. Chambers* read this draught of ſubmiſſion, he thus ſubſcribed the ſame: F

His refuſal.

All the aboveſaid Contents and Submiſſion, I Richard Chambers *do utterly abhor and deteſt, as moſt unjuſt and falſe; and never to death will acknowledge any part thereof.*

Rich. Chambers.

Alſo

Also he under-writ these Texts of Scripture to the said Submission, before he returned it. 5 *Caroli.*

Places of Scripture mentioned by him.

That make a man an offender for a word, and lay a snare for him that reproveth in the gate, and turn aside the just for a thing of nought. Isa. 29. 21.

Blame not before thou have examined the truth; understand first, and then rebuke; answer not before thou hast heard the cause, neither interrupt men in the midst of their talk. Eccluſ. 11. 7, 8

A

Doth our Law judge any man before it hear him, and know what he doth? John 7. 51.

King Agrippa said unto Paul, Thou art permitted to speak for thy self. Act. 26. 2.

Thou shalt not wrest the judgment of the poor in his cause, thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the eyes of the righteous. Exod. 23. 6. Deut. 16, 19.

Woe to them that devise iniquity, because it is in the power of their hand, and they covet fields and take them by violence, and houses and take them away: so they oppress a man and his house, even a man and his heritage. Mich. 2. 1, 2.

B

Thus saith the Lord God, Let it suffice you, O Princes of Israel: remove violence and spoyl, and execute judgment and justice, take away your exactions from my people, saith the Lord God. Ezek. 45. 9 and 46. 8.

If thou seest the oppression of the Poor, and violent perverting of judgment and justice in a Province, marvel not at the matter: for he that is higher then the highest regardeth, and there be higher then they. Eccleſ. 5. 8.

C

Per me, Richard Chambers.

London. His Plea in the Exchequer.

Afterwards in the Term of *Trinity*, the 5 yeer of King *Charls*, it is found in the great Roll of this year, that there is demanded there, of *Richard Chambers* of *London* Merchant, 2000 l. for a certain fine imposed on him, hither sent by vertue of a writ of our said Lord the King, under the foot of the great Seal of *England*, directed to the Treasurer and Barons of this Exchequer, for making execution thereof to the use of the said Lord the King, as is there contained; and now, that is to say, in the *Utas* of the Blessed *Trinity*, this Term, comes the said *Richard Chambers* in his own proper person, and demands Oyer of the demand aforesaid, and it is read unto him; and he demands Oyer also of the Writ aforesaid, under the foot of the Great Seal of *England* hither sent, and it is read unto him in these words:

D

E

Charls by the Grace of God, of England, Scotland, France, *and* Ireland, Defender of the Faith, *&c. To his Treasurer and Barons of his Exchequer, health: The extret of certain fines taxed and adjudged by us and our said Council, in our said Council, in Our Court of* Star-Chamber *in the Term of St* Michael, *the Term of St.* Hillary, *and the Term of* Easter *last past, upon* Thomas Barns *of the Parish of* St. Clements Danes *in the County of* Middlesex *Carpenter, and others severally and dividedly, as they be there severally assessed, We send unto you included in these presents, commanding that looking into them, you do that which by Law you ought to do against them, for the levying of those fines.* Witness our Self at Westminster the 21 of May, in the yeer of Our Reign the 5 Mutas.

F

An. 1679

And the tenor of the Schedule to the said Writ annexed, as to the said *Richard Chambers*, followeth, in these words:

"IN the Term of *Easter*, the fifth year of King *Charles*, of *Richard* "*Chambers* of *London* Merchant 2000 *l.* which being read, heard, "and by him understood, he complains that he is grievously vexed and "inquieted by colour of the Premises; and that not justly, for that pro- "testing that the said great Roll, and the matter therein contained, A "is not in Law sufficient, to which he hath no need, nor is bound by "Law to answer; yet for Plea the said *Richard Chambers* saith, That he, "of the demand aforesaid, in the great Roll aforesaid mentioned, and "every parcel thereof, ought to be discharged against the said Lord the "King, for that he said, That he, from the time of the Taxation of "the aforesaid Fine, and long before, was a Freeman and a Merchant "of this Kingdom, that is to say, In the Parish of the blessed *Mary* of "the *Arches* in the Ward of *Cheap*, *London*. And that by a certain Act B
H.3.9. "in the Parliament of the Lord *Henry* late King of *England* the Third, "held in the ninth year of his reign, it was provided by Authority of "the said Parliament, That a Freeman shall not be amerced for a lit- "tle offence, but according to the manner of the said offence; and for a "great offence, according to the greatness of the offence, saving to him "his Contenement or Freehold, and a Merchant in the same manner, "saving unto him his Merchandize, and a Villain of any other then the "King after the same manner to be amerced, saving his Wainage; C "and none of the said Amercements to be imposed but by the Oaths
E.1.3. "of good and lawful men of the Neighbourhood: And by a certain "other Act in the Parliament of the Lord *Edward* late King of *England* "the first, held in the Third year of his reign, it was and is provided, "That no City, Burrough, or Town, nor any man should be amerced "without reasonable cause, and according to his Trespass; that is to "say, A Freeman, saving to him his Contenement; A Merchant, sa- "ving to him his Merchandize; and A Villan, saving to him his Wai- D
H.3.9. "nage: and this by their Peers. And by the same Act in the Parlia- "ment of the said Lord *Henry* late King of *England* the Third, held in "the ninth year of his reign aforesaid, it was and is provided by Au- "thority of the said Parliament, That no Freemen should be taken or "imprisoned, or disseized of his Freehold or Liberties, or free Customs, "or outlaw'd or banish'd, or any way destroyed. And that the Lord "the King should not go upon him, nor deal with him, but by a law- "ful judgement of his Peers, or by the Law of the Land. And by a E
E.3.5. "certain Act in the Parliament of the Lord *Edward* late King of *Eng-* "*land* the Third, held in the fifth year of his reign, it was and is pro- "vided by the Authority of the said Parliament, That no man hence for- "ward should be attached by reason of any Accusation, nor pre-judg- "ed of Life or Member, nor that his Lands, Tenements, Goods or "Chattels should be seized into the hands of the Lord the King against
H.7.3. "the form of the great Charter, and the Law of the Land. And by "a certain Act in the Parliament of the Lord *Henry*, late King of *Eng-* F "*land* the seventh, held in the third year of his reign, reciting that by "unlawful Maintenances given of liveries, signes and tokens, and re- "tainders by Indentures, Promises, Oaths, Writings, and other Im- "braceries of the Subjects of the said Lord the King, false Demeanors "of Sheriffs, in making of Pannels, and other false returns, by taking

of

5 *Caroli.*

"of money by Jurors, by great ryots and unlawful assemblies the poli-
"cie and good Government of this Kingdom was almost subdued:
"and by not punishing of the said inconveniences, and by occasion of
"the Premises, little or nothing was found by Inquisition; by reason
"thereof, the Laws of the Land had little effect in their execution, to the
"increase of Murders, Robberies, Perjuries and Insecurities of all men
"living, to the loss of their Lands and Goods, to the great displeasure
A "of Almighty GOD; It was ordained for Reformation of the Premises
"by Authority of the said Parliament, That the Chancellour and
"Treasurer of *England* for the time being, and the Keeper of the Privy-
"Seal of the Lord the King, or two of them, calling to them one Bi-
"shop, one Lord temporal of the most honourable Council of the
"Lord the King, and two chief Justices of the Kings Bench and Com-
"mon pleas for the time being, or two other Justices in their absence,
"by Bill or Information exhibited to the Chancellour for the King or
B "any other, against any person for any other ill behaviours aforesaid,
"have Authority of calling before them by Writ or Privie-Seal such
"Malefactors, and of examining them and others by their discretion,
"and of punishing such as they finde defective therein according to
"their demerits, according to the form and effect of the Statutes there-
"of made, in the same manner and form as they might and ought to be
"punished if they were thereof convinced according to the due course
"of Law. And by a certain other Act in the Parliament of the Lord H.8.21.
C "*Henry* late King of *England* the eighth, held in the one and twentieth
"year of his reign, reciting the offences in the aforesaid Statute of the
"said late King *Henry* the seventh beforementioned, by Authority of
"the said Parliament, it was and is ordained and enacted, That hence-
"forward the Chancellour, Treasurer of *England*, and the President of
"the most honourable Privy-Council of the King attending his most
"honourable person for the time being, and the Lord Keeper of the
"Privy-Seal of the Lord the King, or two of them, calling to them one
D "Bishop and one temporal Lord of the most honourable Council of
"the Lord the King, and two chief Justices of the Kings Bench and
"Common Pleas for the time being, or two Justices in their absence, by
"any Bill or Information then after to be exhibited to the Chancellour
"of *England*, the Treasurer, the President of the said most honourable
"Council of the Lord the King, or the Keeper of the Privy-Seal of the
"Lord the King for the time being, for any misdemeanour in the afore-
"said Statute of King *Henry* the seventh aforesaid before recited, from
E "henceforth have full power and authority of calling before them, by
"Writ or by Privy-Seal, such Malefactors, & of examining of them and
"others by their discretion, and of punishing those that are found de-
"fective according to their demerits, According to the form and ef-
"fect of the said Statute of the aforesaid Lord King *Henry* the seventh,
"and of all other Statutes thereupon made not revoked and expired, in
"the same manner and form as they might and ought be punished if
"they were convicted according to the due order of the Laws of the
F "said Lord the king. And by the aforesaid Writ under the foot of
"the great Seal, it manifesty appears that the said Fine was imposed
"by the Lord the king and his Council, and not by the Legal Peers of
"the said *Richard Chambers*, nor by the Law of the Land, nor according
"to the manner of the pretended offence of the said *Richard Chambers*,
"nor saving unto him his Merchandize, nor for any offence mentioned

An. 1629

"in the said Statutes: all and singular the which, the said *Richard Cham-*
"*bers* is ready to verifie to the Court, *&c.* and demands judgment; and
"that he be discharge of the said 2000 *l.* against the said Lord the
"now King; and that as to the premises he may be dismissed from
"this Court.

Waterhouse.

1629. 16 *June*

With this Plea, he annexed a Petition to the Lord Chief Baron, and also to every one of the Barons, humbly desiring the filing of the Plea, with other Reasons in the manner of a motion at the Bar, because he said Counsel would not move, plead, nor set hand to it, as further appeareth. A

The Copy of the Order upon Mr. Atturneys motion in the Exchequer, the 17 *July* 1629. after the Plea put in, and order to file it, *Per* the Lord Chief Baron. B

London. Order in the Exchequer.

Touching the Plea put into this Court by Richard Chambers, *to discharge himself of a fine of* 2000 *l. set on him in the* Star-Chamber, *Forasmuch as Sir* Robert Heath *Knight, his Majesties Atturney General, informed this Court, that the said* Chambers *in his said Plea recites divers Statutes and* Magna Charta, *and what offences are punishable in the* Star-Chamber, *and how the proceedings ought to be; and upon the whole matter concludes,* That the said fine was imposed by the King and his Council, and not by a Legal judgment of his Peers, nor by the Laws of the Land, nor according to the manner of his offence, nor saving his Merchandize, nor for any offence mentioned in the said Statutes; *which Plea Mr. Atturny conceiving to be very frivolous and insufficient, and derogatory to the honour and jurisdiction of the Court of* Star-Chamber, *Humbly prayeth, might not be allowed of, nor filed: It is therefore this day ordered, That the said Plea shall be read on Saturday next, and then upon hearing the Kings Counsel, and the Counsel of the said* Richard Chambers, *this Court will declare their further order therein; and in the mean time the said Plea is not to be filed nor delivered out.* C D

In *Michaelmas* Term following, Mr. *Chambers* was brought by a *Habeas Corpus* out of the *Fleet*: and the Warden did return, E

Mr. Chambers brought by a Habeas Corpus

"THat he was committed to the *Fleet* by vertue of a Decree in the
"*Star-Chamber*, by reason of certain words he used at the Council
"Table, (viz.) *That the Merchants of* England *were skrewed up here in*
"England, *more then in* Turky. And for these and other words of de-
"famation of the Government, he was censured to be committed to the
"*Fleet*, and to be there imprisoned until he made his submission at the F
"Council Table, and to pay a fine of 2000 *l.* And now at the Bar
"he prayed to be delivered, because this Sentence is not warranted
"by any Law or Statute: For the *Statute* of 3 *Henrici* 7. which is the
"foundation of the Court of *Star-Chamber*, doth not give them any au-
"thority to punish for words only. But all the Court informed him,

"That

"That the Court of Star-Chamber was not erected by the Statute of "3 *H.*7. but was a Court many years before, and one of the most high "and honourable Courts of Justice: and to deliver one who was com- "mitted by the Decree of one of the Courts of Justice, was not the u- "sage of this Court; and therefore he was remanded. 5 *Caroli.*

As a concurrant proof of these Proceedings concerning *Mr. Chambers*, A we shall insert here a Petition of his (though out of time) to the Long Parliament, and afterwards renewed to the succeeding Parliament: *viz.*

To the Parliament of the Commonwealth of England, Scotland *and* Ireland.

B The brief Remonstrance and humble Petition of *Richard Chambers* Merchant, late Alderman and Sheriff of the City of *London:*

SHEWING,

His Petition to the Parliament.

THat in the Parliament held in the years 1627 and 1628, it was voted and declared by the honourable house of Commons, That whosoever shall counsel or advise the taking or levying of the Subsidie of Tonnage and Poundage, not C granted by Parliament, or shall be any Actor or Instrument therein, shall be reputed an Innovator in the Government, and a capital Enemy to the Kingdom and Commonwealth; and if any Merchant or person whatsoever shall voluntarily yeild or pay the said Subsidie of Tonnage and Poundage, not being granted by Parliament, they shall likewise be reputed Betrayers of the Liberties of England, and Enemies to the same, as may appear by the said Order upon Record.

In submission and obedience whereunto, the Petitioner first opposed and withstood the payment of Tonnage and Poundage (until they were setled by Parlia- D ment) and all other illegal Taxes; for which submission and obedience, in the years 1628, and 1629, the Petitioner had 7060 pounds of his Goods wrongfully taken and detained from him by the late Kings Officers and Farmers of the Custome-house of London for pretended duties, and a heavy Sentence and Fine in the Star-Chamber, which was imposed upon him in the year 1629. besides which losses, the Petitioner further suffered in his person by six whole years imprisonment in the Fleet, for not submitting to that Sentence and Fine: and in the year 1637, nine moneths imprisonment in Newgate for withstanding Ship-money: E by which losses and imprisonments, the Petitioner was put by the exercise of his calling, and was wounded in his credit and reputation.

Which sufferings the honourable house of Commons (upon the Petioners complaint in the year 1640) taking into their grave considerations, were pleased to refer the examination thereof to a Committee of 50 Members, wherein were included the Committee for the Navy and Customs; who being well satisfied of the truth thereof, by oath, and other good sufficient proofs upon Record, drew up their Report, That the Petitioner ought then to have 13680 pounds in part F of Reparation, leaving the rest of those Reparations to the further judgement of the honourable House, as by the annexed Copy of that report may further appear.

In pursuit of which report, the Parliament then levied and received from the old Farmers and Officers of the Customs 50 thousand pounds for wrongs and abuses done to the Petitioner (chiefly) and other Merchants, intending first to give

An. 1629. give to the Petitioner ſatisfaction out of the ſame, becauſe he was the firſt man that oppoſed the pretended duties, and the greateſt ſufferer.

Whereupon, in the year 1642. the Petitioner was choſen Alderman, and in the year 1644. Sheriff of the City of London: which places the Petitioner earneſtly endeavoured to ſhun; but ſuch were the earneſt importunities, and perſwaſive encouragements of divers Members of the honourable Houſe, (who then deſired to have the Petitioner in place of truſt, for his former ſervice to the Commonwealth) that the Petitioner was conſtrained to accept not onely of the place of Alderman, but further underwent the office and charge of Sheriff of London, which ſtood the Petitioner in 4000 pounds that year. A

But notwithſtanding the aforeſaid promiſes and intents of the Parliament to give the Petitioner ſatisfaction, ſuch were the great compulſive exigents, and urgent neceſſities of thoſe times, cauſed by the publick diſtractions, that the ſaid monies were converted to the publick uſe; therefore the Parliament deſired the Petitioner to have a little patience, promiſing him ſpeedy ſatisfaction as well for the forbearance as for the principal debt: but the diſtractions continuing, and the Petitioner had neither intereſt nor any part of his principal, the Parliament in the year 1648 in part of ſatisfaction, ſetled the Petitioner in the office of Surveyor and Check in the Cuſtom-houſe of London, then worth at leaſt 600 pounds per annum; but the Petitioner having enjoyed that place onely eight months, was cauſleſly outed by ſiniſter information of intruders, who have enjoyed that office, and divided the profit thereof between them ever ſince that intruſion. B

Moreover, the late King by Privy Seal, owes to the Petitioners wife (who is the Relict of Mr. Thomas Ferrer) for Linen Cloth 5000 pounds, and for money lent 1200 pounds, for which ſhe was aſſigned ſatisfaction out of the Cuſtoms of Tobacco; beſides, ſhe was further aſſigned out of Sir Thomas Dawes Office 100 marks per annum: all which debts likewiſe lie wholly unſatisfied, to the Petitioners great prejudice. C

Beſides the aforeſaid loſſes, hinderances, expences, ſufferings, and forbearances of the profit of the ſaid Office, the Petitioner from time to time hath laid out himſelf for the common good, in acting, lending, ſpending, (and ſerving) when others refuſed; expoſed himſelf to that eminent danger at Branford, by leading out a Troop of Horſe for the Priviledges, Liberties and Rights of the City of London and Commonwealth, inſomuch, that thereby, and for want of his ſatisfaction aforeſaid, the Petitioner having conſumed his Eſtate, hath been conſtrained to ſell and morgage ſome part of his Lands to pay Creditors, and to maintain his Family, having a Wife and nine Children; and is likely to be undone for obeying the Parliaments Commands, unleſs by the juſtice and commiſeration of this honourable Aſſembly he be ſpeedily relieved and righted, for that ever ſince the ſaid reported ſum, the Petitioner from time to time hath made his humble addreſſes to the ſupreme powers for the time being, for ſatisfaction thereof; and to be reſtored to the ſaid Office, but could not prevaile. D E

The Petitioner therefore humbly prays, That he may not periſh for acting for the publick good according to the Declaration of Parliament, but that now after 26 years ſuffering, whereof twelve years in fruitleſs and weariſome waitings, this honourable Aſſembly would now be pleaſed to take the unparallel'd ſufferings of the Petitioner into their grave conſiderations, for ſome ſpeedy courſe for the Petitioners ſatisfaction, to pay his Debts, and redeem his Lands, by ordering him the one moyety of his Debt in ready money out of the dayly cuſtoms of *London*, (from whence his firſt loſſes and ſuffe- F

5 *Caroli.*

ſufferings ſprang) and the other moity to be diſcompted upon ſuch Goods as the Petitioner ſhall make entries of by Exportation or importation in the Cuſtome-houſe *London*, until his debt with the intereſt be fully ſatisfied and paid; or any other ſpeedy way, as in your grave wiſdoms ſhall ſeem meet; and in like manner for his wives Debt, which is to pay Debts and Legacies: and that the Petitioner may forthwith be reſtored to, and ſetled in the ſaid Office, and have Reparations from the Intruders.

A

And the Petitioner with his, ſhall as in all duty ever pray, &c.

Sept. 6. 1654. **Richard Chambers.**

His death.

B The Petitioner being wearied out with twelve yeers attendance upon one Parliament, in hopes of reparation for his impriſonment, troubles, and loſſes, during the eleven years former interval of Parliament, in ſtanding for the Liberty of the Subject, grew infirm; and being not relieved, was reduced to a low eſtate and condition: he died in Summer 1658. being about the age of ſeventy years.

Mr. *Selden* brought upon a *Habeas Corpus*.

C *Trinity*, 5. *Car. Banco Regis.* The firſt day of this Term upon a *Habeas Corpus* to Sir *Allen Apſley* the Lieutenant of the Tower, to bring here the body of *John Selden* Eſq; with the cauſe of Detencer: he returned the ſame cauſe as was in Mr. *Stroods* Caſe. And Mr. *Littleton* of the *Inner-Temple*, of Counſel with Mr. *Selden*, moved, that the Return was inſufficient in ſubſtance; therefore pray'd, that he might be bayled: and ſaid, that it was a matter of great conſequence both to the Crown of the King, and to the Liberty of the Subject. But as for the difficulty of Law contained in it, he ſaid (under favour) the Caſe cannot be ſaid *Grand.* And ſo proceeded to his Argument (which for the Reaſons before mentioned, we have poſtponed) and concluded, that the Priſoner ought to be bailed.

D The ſame day Sir *Miles Hubbord*, *Benjamin Valentine*, *Denzil Holles*, Eſq; were at the Bar upon the *Habeas Corpus*, directed to ſeveral Priſons. And their Counſel were ready at the Bar to have argued the Caſe for them alſo. But becauſe the ſame Return was made for them as for Mr. *Selden*, they all Declared, they would rely on this Argument made by Mr. *Littleton*.

E Some few days after, *Sir Robert Heath* the Kings Atturney General argued, that this Return was good; and that Mr. *Selden* and the reſt of the parties ought not to be bailed; and that within the Return there appears good cauſe of their commitment, and of their detaining alſo. He ſaid, The Caſe is great in expectation & conſequence, and concerns the Liberty of the Subject on one part, whereof the Argument is plauſible; and on the other part it concerns the ſafety and Soveraignty of the King, which (he ſaid) is a thing of greater weight; and that the conſideration of both pertains to you the Judges, without ſlighting the one, or too much elevating the other: and ſo proceeded to his Argument (of which more at large hereafter) and concluded, that the Priſoners ought to be remanded.

F When the Court was ready to have delivered their opinions in this great buſineſs, the Priſoners were not brought to the Bar according to the

An. 1626. the Rule of the Court. Therefore Proclamation was made, for the keepers of the ſeveral Priſons to bring in their Priſoners; but none of them appeared, but the Marſhal of the Kings Bench: who informed the Court, that Mr. *Strood* who was in his cuſtody, was removed yeſterday, and put in the Tower of *London* by the Kings own warrant; and ſo it was done with the other Priſoners, for each of them was removed out of his priſon in which he was before. But notwithſtanding, it was pray'd by the Counſel for the Priſoners, that the Court would deliver their opinion as to the matter in Law: but the Court refuſed to do that, becauſe it was to no purpoſe; for the Priſoners being abſent, they could not be bailed, delivered, or remanded.

The evening before, there came a Letter to the Judges of this Court from the King himſelf, informing the Court with the Reaſons, wherefore the Priſoners were not ſuffered to come at the day appointed for the reſolution of the Judges. Theſe were the words of the Letter.

A letter from the King to the Judges.

To our Truſty and welbeloved, Our Chief Juſtice, and the reſt of Our Juſtices of Our Bench.

C. R.

TRuſty and welbeloved, we Greet you well: Whereas by our ſpecial commandment we have lately removed Sir Miles Hubard, Walter Long, *and* William Stroud *from the ſeveral priſons where they were formerly committed, and have now ſent them to our Tower of* London; *underſtanding there are various conſtructions made thereof, according to the ſeveral apprehenſions of thoſe who diſcourſe of it, as if we had done it to decline the courſe of Juſtice: We have therefore thought fit to let you know the true Reaſon and occaſion thereof; as alſo, why we commanded, thoſe and the other Priſoners ſhould not come before you the laſt day: We (having heard how moſt of them a while ſince did carry themſelves inſolently and unmannerly both towards us and your Lordſhips) were and are very ſenſible thereof; and though we hear your ſelves gave them ſome admonition for that miſcariage, yet we could not but reſent our Honour, and the Honour of ſo great a Court of Juſtice ſo far, as to let the world know how much we diſlike the ſame: And having underſtood that your Lordſhips and the reſt of our Judges and Barons of our Court of Common Pleas and Exchequer (whoſe advices and judgments we have deſired in this great buſineſs, ſo much concerning our Government) have not yet reſolved the main Queſtion, we did not think the preſence of thoſe Priſoners neceſſary; and until we ſhould find their temper and diſcretions to be ſuch as may deſerve it, we were not willing to afford them favour. Nevertheleſs, the reſpect we bear to the proceedings of that Court, hath cauſed us to give way, that* Selden *and* Valentine *ſhould attend you to morrow, they being ſufficient to appear before you, ſince you cannot as yet give any reſolute opinion in the main point in Queſtion.* Given under our Signet at Our Mannor at *Greenwich*, this 24 *Junii*, in the 5 yeer of our Reign.

Within three hours after the receit of thoſe Letters, other Letters were brought unto the ſaid Judges, as followeth.

To

5 *Caroli.*

To Our trusty and well-beloved, Our Chief Justices, and the rest of Our Justices of Our Bench.

A C. R.

Another Letter.

TRusty and well-beloved, we greet you well: Whereas by our Letters of this days date, we gave you to understand our pleasure, That of those prisoners which by our Commandment are kept in our Tower of London, Selden *and* Valentine *should be brought to morrow before you; now upon more mature Deliberation, we have resolved, That all of them shall receive the same treatment, and that none shall come before you, until we have cause given us to believe they will* B *make a better demonstration of their Modesty and Civility both towards us and your Lordships then at their last appearance they did.*

Given under our Signet at our Mannor at *Greenwich*, this 24 day of *June*, in the fifth year of our Reign.

So the Court this Term delivered no opinion, and the imprisoned Gentlemen continued in restraint all the long Vacation.

C Note: That in this Term a *Habeas Corpus* was prayed to the Pursevant of Arms for four Constables of *Hertfordshire*, to whose custody they were committed by the Lords of the Privy-Council; and the *Habeas Corpus* was granted on their behalf: but then they were committed to the Custody of other Pursevants; and so upon every *Habeas Corpus* they were removed from Pursevant to Pursevant, and could have no fruit of their *Habeas Corpus* all this Term.

D There wanted not some, who upon the Kings dissolution of this Parliament, and his ill success in two former Parliaments, did advise that his Majestie for the future, might be no more troubled with the impertinencies of Parliaments; holding out for example the like discontinuance of assembling the three Estates in *France*, which was in time about four years before the blazing Star, by *Lewis* the eleventh King of *France*, who by reason the third Estate representing the Commons did incroach (as he declared) too much upon the Clergie and Nobility, the King dissolved that Parliament of the three Estates, and never E had a free Election of the third Estate afterwards, but ordained another kind of meeting instead thereof, which is called *L' assembli des Notables*, An assembly of certain eminent persons of his own Nomination; whereunto he added some Counsellour out of every Court of Parliament: there being eight in all in *France*, and being few in number, and of his own Nomination, would more readily comply with the Kings propofals, and not dispute his will and pleasure, as the general assembly of three Estates had wont to do when the King trenched upon F the liberty and property of the Subject: which alteration of the Government, as to the third Estate, hath ever since exposed the Commons to much vassalage and misery, as at this day is apparent by the meanness of their livelyhood, and wearing of wooden shoes.

L' Assembli des Notables.

That which gives us occasion to mention this last particular, is a little

An. 1626. Tract compoſed to the ſaid end and purpoſe, and which did this Trinity-long Vacation walk abroad, and went from hand to hand, ſometime at Court, ſometime in the Country, and ſometime at the Innes of Court; which we here ſet down *verbatim* in the Appendix, that the humour of the Author thereof may be the more clearly diſcerned: and when we come to its proper time and place, you ſhall ſee what ſucceſs this Pamphlet had, when it was queſtioned in the Star-Chamber.

A Letter to the Judges.

Towards the latter end of his Vacation, all the Juſtices of the Kings Bench, being then in the Country, received every one of them a Letter to be at Sergeants Inne upon *Michaelmas* day. Theſe Letters were from the Council-Table; and the cauſe expreſſed in them, was, *That his Majeſty had preſent and urgent occaſion to uſe their ſervice.* The Judges came up accordingly on *Tueſday* being *Michaelmas* day. The next morning about four a clock, Letters were brought to the chief Juſtice from Mr. *Trumbal* Clerk of the Council then attending, that he, and Judge *Whitlock*, one of the Judges of that Court, ſhould attend the King that morning ſo ſoon as conveniently they could: which the Chief Juſtice and that Judge did at *Hampton* that morning; where the King taking them apart from the Council, fell upon the buſineſs of the Gentlemen in the Tower, and was contented they ſhould be bayled notwithſtanding their obſtinacy in that they would not give the King a Petition, expreſſing, *That they were ſorry he was offended with them*: he ſhewed his purpoſe to proceed againſt them by the common Law in the Kings Bench, and to leave his proceeding in the Star-Chamber. Divers other matters he propoſed to the ſaid Judges by way of advice, and ſeemed well contented with what they anſwered, though it was not to his minde; which was, That the offences were not capital, and that by the Law the priſoners ought to be bailed, giving ſecurity to the good behaviour: whereupon the King told them, That he would never be offended with his Judges, ſo they dealt plainly with him, and did not anſwer him by Oracles and Riddles: both theſe Judges did at that time what good office they could to bring the King on to heal this breach.

The King confers with ſome of them.

Motion to bail the priſoners.

The firſt day of *Michaelmas* Term it was moved by Mr. *Maſon* to have the Reſolution of the Judges; and the Court with one voice ſaid, *That they are now content that they ſhall be bayled, but that they ought to finde ſureties alſo for the good behaviour*; and *Jones* Juſtice ſaid, *That ſo it was done in the Caſe which had been often remembred to another purpoſe, two wit*, Ruſſels *Caſe in* 9 E. 3. To which Mr. *Selden* anſwered, (with whom all the other priſoners agreed in opinion) *That they have their ſureties ready for the bayl, but not for the good behaviour; and deſire that the bayl might firſt be accepted, and that they be not urged to the other; and that for theſe Reaſons:*

First, the Caſe here had long depended in Court (and they have been impriſoned for theſe thirty weeks) and it had been oftentimes argued on the one ſide and the other; and thoſe that argued for the King, alwaies demanded that we ſhould be remanded; and thoſe which argued on our ſide, deſired that we might be bayled or diſcharged: but it was never the deſire of the one ſide or the other that we ſhould be bound to the good behaviour. And in the laſt Term four ſeveral days were appointed for the Reſolution of the Court, and the ſole point in queſtion was, If baylable or not; *therefore he now deſires that the matter of bayl and of good behaviour may be ſevered, and not confounded.*

Secondly, becauſe the finding of ſureties of good behaviour is ſeldome urged upon

5 Caroli.

upon Returns of Felonies or Treasons. And it is but an implication upon the Return, that we are culpable of those matters which are objected.

3. We demand to be bayled in point of Right; and if it be not grantable of Right, we do not demand it: but the finding of Sureties for the good behaviour is a point of discretion meerly; and we cannot assent to it, without great offence to the Parliament, where these matters which are surmised by the Return were acted; and by the Statute of 4 Hen. 8. all punishments of such nature are made voyd and of none effect; Therefore, &c.

A

Curia.

The Return doth not make mention of any thing done in Parliament, and we cannot in a judicial way take notice that these things were done in Parliament. And by Whitlock, The surety of good behaviour, is as a preventing medicine of the damage that may fall out to the Commonwealth; and it is an Act of Government and jurisdiction, and not of Law. And by Crook, It is no inconvenience to the Prisoners: for the same bayl sufficeth, and all shall be written upon one peece of parchment. And Heath Atturney General said, That by the command of the King he had an information ready in his hand to deliver in the Court against them. Hide Chief Justice: If now you refuse to find sureties for the good behaviour, and be for that cause remanded; perhaps we afterwards will not grant Habeas Corpus for you, inasmuch as we are made acquainted with the cause of your imprisonment.

B

C

Afshly the Kings Sergeant offered his own bayl for Mr. *Holles* one of the Prisoners (who had married his daughter and heir.) But the Court refused it; for it is contrary to the course of the Court, unless the Prisoner himself will become bound also.

And Mr. *Long* that had found sureties in the Chief Justices Chamber for the good behaviour, refused to continue his sureties any longer, inasmuch as they were bound in a great summe of 2000 *l.* and the good behaviour was a tickliſh point. Therefore he was committed to the custody of the Marshal, and all the other Prisoners were remanded to the Tower, because they would not find sureties for the good behaviour.

D

An Information exhibited in the Kings Bench against vir *John Elliot*, &c.

Accordingly the same Term an Information was exhibited by the Atturney General against Sir *John Elliot*, *Denzil Holles*, Sir *Benjamin Valentine*, reciting, That a Parliament was summoned to be held at *Westminster*, 17 *Martii tertio Caroli Regis*, *ibid. inchoat.* and that Sir *John Elliot* was duly elected, and returned Knight for the County of *Cornwal*, and the other two Burgesses of Parliament for other places: and Sir *John Finch* chosen Speaker.

E

That Sir John Elliot *machinans & intendens, omnibus viis & modis, seminare & excitare* discord, evil will, murmurings and seditions, as well *versus Regem, Magnates, Prælatos, Proceres & Justiciarios suos, quam inter Magnates, Proceres, & Justiciarios, & reliquos Subditos Regis, & totaliter deprivare & avertere regimen & gubernationem* Regni Angliæ, *tam in Domino Rege, quam in Conciliariis & Ministris suis cujuscunque generis; & introducere tumultum & confusionem*, in all Estates and parts, *& ad intentionem*, That all the Kings Subjects should withdraw their affections from the King. The 23 of *February Ann. 4 Carol.* in the Parliament, and hearing of the Commons, *falso, malitiose & seditiose*, used these

F

An. 1626. words, *The Kings Privy Council, his Judges, and his Counsel learned, have conspired together, to trample under their feet the Liberties of the Subjects of this Realm, and the Liberties of this House.* And afterwards upon the 2 of *March, Ann.* 4. aforesaid, the King appointed the Parliament to be adjourned until the 10 of *March* next following, and so signified his pleasure to the House of Commons: and that the three Defendants the said 2 day of *March* 4 *Car. malitiose*, agreed, and amongst themselves conspired to disturb and distract the Commons, that they should not adjourn themselves according to the Kings pleasure before signified; And that the said Sir *John Elliot*, according to the agreement and conspiracy aforesaid, had maliciously *in propositum & intentionem prædict.* in the House of Commons aforesaid, spoken these false, malicious, pernitious, and seditious words precedent, *&c.* And that the said *Denzil Holles*, according to the agreement and conspiracy aforesaid, between him and the other Defendants, then and there, *falso, malitiose, & seditiose*, uttered *hæc falsa, malitiosa, & scandalosa verba precedentia*, &c. And that the said *Denzil Holles* & *Benjamin Valentine*, *secundum agreamentum & conspirationem prædict. & ad intentionem & propositum prædict.* uttered the said words upon the said 2 of *March*, after the signifying the Kings pleasure to adjourn: and the said *Sir John Finch* the Speaker endeavoring to get out of the chair according to the Kings command, They *vi & armis, manu forti & illicito* assaulted, evil entreated, and forcibly detayned him in the chair; and afterwards, he being out of the chair, they assaulted him in the House, and evil entreated him, *& violenter manu forti & illicito* drew him to the chair, and thrust him into it: whereupon there was great tumult and commotion in the House, to the great terror of the Commons there assembled, against their Allegeance, *in maximum contemptum*, and to the disherison of the King his Crown and Dignity: for which, *&c.*

A B C

The Plea of Sir *John Elliot.*

To this Information the Defendants put in a Plea to the jurisdiction of the Court: *Forasmuch as these offences are supposed to have been done in Parliament, they ought not to be punished in this Court, or any other, except in Parliament.* And the Atturney General moved the Court to over-rule the Plea as to the jurisdiction of the Court; and this he said, the Court might do, although he did not demur upon the Plea. But the Court would not over-rule the Plea; but gave a day to joyn in demurr that Term. And on the first day of the next Term, the Record to be read; and within a day after, argued at the Bar.

D E

In *Hilary* Term following, the Case of *Walter Longe* Esquire, one of the imprisoned Gentlemen, came to hearing in the Star-Chamber, which was as followeth.

F

Mr *Walter Long*'s Case in the Star-Chamber.

An Information was exhibited into the Star-Chamber, by Sir *Robert Heath* Knight, his Majesties Attorney General Plaintiff, against the said *Walter Longe* Defendant, for a great and presumptuous Contempt against his Majesty, for breach of duty and trust of his Office, and for manifest and wilful breach of his Oath taken as high Sheriff

5 Caroli.

Sheriff of the County of *Wilts*, and not reſiding and dwelling in his own perſon in the ſaid County, according to the ſaid Oath; but being choſen one of the Citizens for the City of *Bath*, in the County of *Somerſet*, to ſerve for the ſaid City in the laſt Parliament, by colour thereof he remained at *London* or *Weſtminſter* during the time of that Parliament by the ſpace of three months and above, in neglect of his Duty, and in manifeſt contempt of the Laws of this kingdom: which cauſe
A was now by his Majeſties ſaid Atturney General brought to hearing upon the Defendents own confeſſion. And upon opening the anſwer, and reading the examination of the ſaid Defendant, it appeared to this Court, *That the ſaid Defendant* Long *was by his now Majeſty made high Sheriff of the County of* Wilts *in or about November, in the third year of his Majeſties reign, and received his Patent of Sheriffwick for the ſaid County about ten days after; and that he took an Oath before one of the Maſters of the Chancery, for the due execution of the ſaid Office of Sheriff of the ſaid County.* In which Oath, as ap-
B pear'd by the ſame there read in Court, he did ſwear that he would in his own perſon remain within his Bayliffwick during all the time of his Sheriffwick, unleſs he had the King licenſe to the contrary; and that at an Election of Citizens for the ſaid City of *Bath*, the ſaid Defendant *Longe* was choſen one of the Citizens to ſerve for the ſaid City of *Bath* in the Parliament then ſummoned, to be holden and commence upon the ſeventeenth day of *March* in the ſaid third year of his Majeſties reign; and being ſo choſen and returned by the Sheriff of the Countie of *Somerſet*,
C notwithſtanding his ſaid Oath taken to remain in his proper perſon, within his Bayliffwick, unleſs he were licenſed by his Majeſtie, he the ſaid Defendant did make his perſonal appearance in the Commons houſe of Parliament, at the City of *Weſtminſter* in the County of *Middleſex*, and did, during the moſt part of the ſaid Parliament, continue in and about the City of *London* and *Weſtminſter*, and did attend in the Parliament as a Citizen for the ſaid City of *Bath*: during all which time he likewiſe was and continued high Sheriff for the ſaid County of
D *Wilts*, and had no particular licenſe from his Majeſty to the contrary. Upon conſideration whereof, as alſo of the the particular cauſes and reaſons of the Defendants Demurrer and Plea formerly exhibited unto the ſaid Information, the benefit whereof was by order of the Court reſerved unto the Defendant to be debated and conſidered of at the hearing of this cauſe, and of divers other matters now urged for the Defendant, both to have juſtified his the ſaid Defendants attendance in Parliament, and his not reſidence in perſon in the County
E whereof he was then Sheriff; and amongſt other things, that it properly belonged to the houſe of Parliament to judge of the juſtneſs or unjuſtneſs of the ſaid Election; and upon grave and mature conſideration thereof had and taken by the Court, their Lordſhips did not onely conceive the ſaid Demurrer and Plea, and other the Arguments and Reaſons uſed by the Defendant and his Council to be of no weight or ſtrength, but alſo to be in oppoſition and derogation of the Juriſdiction of the Court; the reaſons moved and urged for the Defendants ex-
F cuſe or juſtification being clearly anſwered, and the charges of the Information made good by Mr. *Atturney General*, and others of his Majeſties Counſel learned. And therefore the whole Court were clear of opinion, and did ſo declare, "That the ſaid Defendant, who at that "time, as high Sheriff, had the cuſtody and charge of the County of "*Wilts* committed unto him by his Majeſty, and had taken his Oath

"accor-

An. 1629.

"according to the Law to abide in his proper perſon within his Bay-
"liffwick during all the time of his Sheriffwick as aforeſaid, and whoſe
"truſt and imployment did require his perſonal attendance in the ſaid
"Countie, had not onely committed a great offence in violating the
"ſaid Oath ſo by him taken, but alſo a great miſdemeanor in breach
"of the truſt committed unto him by his Majeſty, and in contempt of
"his Majeſties pleaſure ſignified unto him by and under his Highneſs
"great Seal, when he granted unto him the ſaid Office of Sheriffwick A
"aforeſaid. For which ſaid ſeveral great Offences in breach of his
ſaid Oath, neglect of the truſt and duty of his Office, and the great
and high contempt of his Majeſty, their Lordſhips did hold the ſaid
Defendant worthy the ſentence of the Court; the rather, to the end
that by this example the Sheriffs of all other Counties may be deterred
from committing the like offences hereafter, and may take notice that
their perſonal reſidence and attendance is required within their Bay-
liffwicks during the time of their Sheriffwick. The Court therefore B
thought fit, ordered, adjudged, and decreed, That the ſaid Defendant
ſhould ſtand and be committed to the priſon of the Tower; there to re-
main during his Majeſties pleaſure, and alſo pay a Fine of two thou-
ſand Marks to his Majeſties uſe; and further, make his humble ſubmiſſi-
on and acknowledgement of his offence both in the Court of Star-
Chamber, and to his Majeſty, before his thence enlargment.

Arguments concerning Sir John Elliot.

The ſame Term Mr. *Maſon* argued in the kings Bench for Sir *John* C
Elliot againſt the Information preferred againſt him (amongſt others)
by Sir *Robert Heath* the kings Atturney General; and the ſame day the
Atturney General argued in maintenance of the ſaid Information: the
Judges alſo the ſame day ſpake briefly to the Caſe, and agreed with one
Voyce, *That the Court, as this Caſe is, ſhall have Juriſdiction, although that
theſe offences were committed in Parliament, and that the impriſoned Members
ought to anſwer.*

D

Jones began and ſaid, "That though this Queſtion be now newly mo-
"ved, yet it is an ancient Queſtion with him; for it had been in his
"thoughts theſe eighteen yeers. For this Information there are three
"Queſtions in it:

1. *Whether the matters informed be true or falſe: and this ought to be deter-
mined by Jury or Demurrer.*
2. *When the matters of the Information are found or confeſſed to be true, if* E
the Information be good in ſubſtance.
3. *Admit that the offences are truly charged, if this Court hath power to pu-
niſh them: and that is the ſole Queſtion of this day.*

"And it ſeems to me, that of theſe offences, although committed in
"Parliament, this Court ſhall have juriſdiction to puniſh them. The
"Plea of the Defendents here to the juriſdiction being concluded with
"a Demurrer, is not peremptory unto them, although it be adjudged F
"againſt them; but if the Plea be pleaded to the juriſdiction which is
"found againſt the Defendant by verdict, this is peremptory.

In

5 Caroli.

"In the diſcuſſion of this point, I decline theſe Queſtions:

1. *If the matter be voted in Parliament, when it is finiſhed, it can be puniſhed and examined in another Court.*

2. *If the matter be commenced in Parliament, and that ended, if afterward it may be Queſtioned in another Court.*

I queſtion not theſe Matters, but I hold, That an Offence committed criminally in Parliament, may be queſtioned elſewhere, as in this Court; and that for theſe Reaſons:

A

Firſt, Quia intereſt Reipublicæ ut maleficia non maneant impunita: *and there ought to be a freſh puniſhment of them. Parliaments are called at the Kings pleaſure, and the King is not compellible to call his Parliament; and if before the next Parliament, the party offending, or the witneſſes die, then there will be a fayler of Juſtice.*

B

Secondly, *The Parliament is no conſtant Court; every Parliament moſtly conſiſts of ſeveral men, and by conſequence they cannot take notice of matters done in the foregoing Parliament; and there they do not examine by oath, unleſs it be in Chancery, as it is uſed of late time.*

Thirdly, *The Parliament cannot ſend Proceſs to make the offenders to appear at the next Parliament; and being at large, if they hear a noiſe of a Parliament, they will* fugam facere, *and ſo prevent their puniſhment.*

C

Fourthly, *Put the caſe that one of the Defendants be made a Baron of Parliament, now he cannot be puniſhed in the Houſe of Commons, and ſo he ſhall be unpuniſhed.*

It hath been objected, *That the Parliament is the Superior Court to this, therefore this Court cannot examine their proceedings.*

To this I ſay, That this Court of the Kings Bench is a higher Court then the Juſtices of Oyer and Terminer, or the Juſtices of Aſſize: But if an offence be done where the Kings Bench is; after it is removed, this offence may be examined by the Juſtices of Oyer and Terminer, or by the Juſtices of Aſſize. We cannot Queſtion the Judgments of Parliaments, but their particular offences.

D

2. Obj. *It is a Priviledge of Parliament, whereof we are not competent Judges.*

E

To this I ſay, That *Privilegium eſt privata Lex, & privat legem.* And this ought to be by grant preſcription in Parliament, and then it ought to be pleaded for the manner, as is 33 *Hen.* 8 *Dy.* as it is not here pleaded. Alſo we are Judges of all Acts of Parliament: as, 4 *Hen.* 7. Ordinance made by the King and Commons is not good, and we are Judges what ſhall be ſaid a Seſſion of Parliament, as it is in *Plowden* in *Patridges Caſe.* We are Judges of their lives and lands, therefore of their Liberties. And 8 *Eliz.* (which was cited by Mr. Attorney) it was the opinion of *Dyer, Oatlyn, Welſh, Brown* and *Southcot,* Juſtices, That offences committed in Parliament may be puniſhed out of Parliament. And 3 *Ed.* 3. 19. it is good Law. And it is uſual neer the end of Parliaments to ſet ſome petty puniſhment upon offenders in Parliament, to prevent other Courts. And I have ſeen a Roll in this Court, in 6 *H.* 6. where judgment was given in a writ of annuity in *Ireland,* and afterwards the ſaid judgment was

F

rever-

An. 1629

reverſed in Parliament in *Ireland*; upon which judgment, Writ of Error was brought in this Court, and reverſed.

Lord Chief Juſtice *Hide*.

Hide Chief Juſtice, to the ſame intent: "No new matter hath been "offered to us now by them that argue for the Defendants, but the "ſame Reaſons and Authorities in ſubſtance, which were objected "before all the Juſtices of *England* and Barons of the Exchequer, at "*Sergeants-Inn* in *Fleet-ſtreet*, upon an Information in the *Star-Chamber* "for the ſame matter. At which time after great deliberation it was "reſolved by all of them, *That an offence committed in Parliament, that being ended, may be puniſhed out of Parliament.* And no Court more apt "for that purpoſe then this Court in which we are: and it cannot be "puniſhed in a future Parliament, becauſe it cannot take notice of "matters done in a foregoing Parliament.

A

"As to that that was ſaid, That an Inferiour Court cannot med- "dle with matters done in a Superior; True it is, That an Inferior "Court cannot meddle with judgments of a Superior Court; but if "the particular members of a Superiour Court offend, they are oft- "times puniſhable in an Inferior Court: As, if a Judg ſhall commit "a capital offence in this Court, he may be arraigned thereof at *New-* "*gate*. 3 *E.* 3. 19. and 1 *Mar.* which have been cited, over-rule this caſe. "Therefore.

B

C

Juſtice *Whitlock*.

Whitlock accordingly:

1. *I ſay in this Caſe*, Nihil dictum quod non dictum prius.
2. *That all the Judges of England have reſolved this very point.*
3. *That now we are but upon the brink and skirts of the Cauſe: for it is not now in Queſtion if theſe be offences or no; or, if true or falſe; but only if this Court have juriſdiction.*

D

But it hath been objected, *That the offence is not capital, therefore it is not examinable in this Court.*

But though it be not capital, yet it is criminal, for it is ſowing of ſedition to the deſtruction of the Commonwealth. The Queſtion now is not between us that are Judges of this Court and the Parliament, or between the King and the Parliament; but between ſome private Members of the Houſe of Commons and the King himſelf: for here the King himſelf queſtions them for thoſe offences, as well he may. In every Commonwealth there is one ſupereminent Power which is not ſubject to be queſtioned by any other; and that is the King in this Commonwealth, who, as *Bracton* ſaith, *ſolum Deum habet ultorem.* But no other within the Realm hath this Priviledge. It is true, that that which is done in Parliament by conſent of all the houſe, ſhall not be queſtioned elſewhere; but if any private Members *exuunt perſonas judicum, & induunt malefacientium perſonas, & ſunt ſeditioſi*, is there ſuch Sanctimony in the place, that they may not be queſtioned for it elſewhere? The Biſhop of *Roſs*, as the Caſe hath been put, being Embaſſadour here, practiſed matters againſt the State. And it was reſolved, That although *Legatus ſit Rex in alieno ſolo*, yet when he goes out of the bounds

E

F

of

of his Office, and complots with Traytors in this Kingdom, that he ſhall be puniſhed as an offender here. A Miniſter hath a great Priviledge when he is in the Pulpit; but yet if in the Pulpit he utter ſpeeches which are ſcandalous to the State, he is puniſhable: ſo in this Caſe, when a Burgeſs of Parliament becomes mutinous, he ſhall not have the Priviledge of Parliament. In my opinion, the Realm cannot conſiſt without Parliaments, but the behaviour of Parliament-men ought to be Parliamentary. No outragious ſpeeches were ever uſed againſt a great Miniſter of State in Parliament, which have not been puniſhed. If a Judge of this Court utter ſcandalous ſpeeches to the State, he may be queſtioned for them before Commiſſioners of Oyer and Terminer, becauſe this is no judicial act of the Court.

But it hath been objected:

That we cannot examine Acts done by a higher Power.

To this I put this Caſe: When a Peer of the Realm is arraigned of Treaſon, we are not his Judges, but the high Steward, and he ſhall be tryed by his Peers: But if errour be committed in this proceeding, that ſhall be reverſed by errour in this Court; for that which we do, is *Coram ipſo Rege.*

It hath been objected:

That the Parliament-Law differs from the Law by which we judge in this Court in ſundry Caſes. And for the inſtance which hath been made, *That by the Statute none ought to be choſen Burgeſſe of a Town in which he doth not inhabit, but that the uſage of Parliament is contrary.* But if Information be brought upon the ſaid Statute againſt ſuch a Burgeſs, I think that the Statute is a good warrant for us to give judgement againſt him.

And it hath been objected:

That there is no Preſident in this matter.

But there are ſundry Preſidents by which it appears that the Parliament hath tranſmitted matters to this Court, as 2 *R.* 2. there being a queſtion between a great Peer and a Biſhop, it was tranſmitted to this Court, being for matter of behaviour: and although the Judges of this Court are but inferiour men, yet the Court is higher: for it appears by the 11 *Eliz. Dy.* That the Earl Marſhal of *England* is an Officer of this Court; and it is always admitted in Parliament, That the priviledges of Parliament hold not in three Caſes, to wit, *in caſe of Treaſon; ſecondly, in caſe of Felony, and in ſuit for the peace*; and the laſt is our very caſe. Therefore, *&c.*

An. 1626.

Crook argued to the same intent (but I did not well hear him:) he said, *That these offentes ought to be punished in the Court, or no where; and all manner off offences which are against the Crown, are examinable in this Court.*

It hath been objected:

That by this means none will adventure to make his complaints in Parliament.

A

That is not so, for he may complain in a Parliamentary course, but not falsely and unlawfully, as here is pretended; for that which is unlawfully, cannot be in a Parliamentary course.

It hath been objected:

That the Parliament is a higher Court then this is.

B

And it is true: But every Member of Parliament is not a Court; and if he commit offence, he is punishable here. Our Court is a Court of high jurisdiction, it cannot take cognizance of real Pleas; but if a real Plea comes by Error in this Court, it shall never be transmitted. But this Court may award a *grand Cape*, and other Process usual in real Actions: But of all capital and criminal causes we are originally competent Judges, and by consequence of this matter. But I am not C of the opinion of Mr. Atturney General, that the word *proditore*, would have made this Treason. And for the other matters, he agreed with the Judges. Therefore by the Court, the Defendants were ruled to plead further: and Mr. *Lenthal* of *Lincolns-Inn* was assigned of Counsel for them.

Judgment.

Inasmuch as the Defendants would not put in other Plea the last day of the Term, judgment was given against them upon a *nihil dicit*; which judgment was pronounced by *Jones* to this effect:

Judgment pronounced.

D

"The matter of the Information now by the confession of the De-"fendants is admitted to be true, and we think their Plea to the juris-"diction insufficient for the matter and manner of it. And we here-"by will not draw the true Liberties of Parliament-men into Questi-"on; to wit, for such matters which they do or speak in Parliamentary "manner. But in this case there was a conspiracy between the De-"fendants to slander the State, and to raise sedition and discord be-"tween the King his Peers and People; and this was not a Parliamen-"tary course. All the *Judges* of *England*, except one, have Resolved "the Statute of 4 *Hen.* 8. to be a private Act, and to extend to *Strood* on-"ly. But every Member of the Parliament shall have such Priviled-"ges as are there mentioned; but they have no Priviledge to speak at "their pleasure. The Parliament is an high Court, therefore it ought "not to be disorderly, but ought to give good example to other Courts. "If a Judg of our Court shall ryal upon the State or Clergy, he is pu-"nishable for it. A Member of the Parliament may charge any great F "Officer of the State with any particular offence; but this was a ma-"levolous accusation in the generality of all the Officers of State, "therefore the matter contained within the Information is a great "offence, and punishable in this Court.

2. "For

5 *Caroli.*

2. "For the punishment, although the offence be great, yet that "shall be with a light hand, and shall be in this manner.

1. *That every of the Defendants shall be imprisoned during the Kings pleasure:* Sir John Elliot *to be imprisoned in the Tower of* London, *and the other Defendants in other Prisons.*

2. *That none of them shall be delivered out of Prison until he give security in this Court for his good behaviour, and have made submission and acknowledgment of his offence.*

3. Sir John Elliot, *inasmuch as we think him the greatest offender, and the ringleader, shall pay a fine to the King of* 2000 l. *and* Mr. Holles, *a fine of* 1000 marks: *and* Mr. Valentine, *because he is of less ability then the rest, shall pay a fine of* 500 l. And to all this, all the other Justices with one voice accorded.

FINIS.

The

APPENDIX.

His Majesties Declaration to all his Loving Subjects, of the Causes which moved him to dissolve the last Parliament, March 10. 1628.

The Kings Declaration of the causes, which moved him to dissolve the last Parliament.

HOwsoever Princes are not bound to give accompt of their Actions but to God alone; yet for the satisfaction of the minds and affections of Our Loving Subjects, We have thought good to set down thus much by way of Declaration, that We may appeare to the world in the truth and sincerity of Our Actions, and not in those Colours, in which We know some turbulent and ill-affected spirits (to masque and disguise their wicked intentions, dangerous to the State) would represent Us to the publick view.

We assembled our Parliament the 17th. day of *March*, in the third yeer of Our Reigne, for the safety of Religion, for securing Our Kingdoms and Subjects at home, and Our friends and Allies abroad. And therefore at the first sitting down of it, We declared the miserable afflicted estate of those of the reformed Religion, in *Germany*, *France*, and other parts of Christendome; the distressed extremities of Our dearest Uncle, the King of *Denmark*, chased out of a great part of his Dominions; the strength of that Party which was united against Us; That (besides the Pope and the house of *Austria*, and their antient confederates) the French King professed the rooting out of the Protestant Religion; That, of the Princes and States on Our party, some were overrun, others diverted, and some disabled to give assistance. For which, and other important motives, We propounded a speedy supply of Treasure, answerable to the necessity of the Cause.

These things in the beginning were well resented by the House of Commons, and with much alacrity and readinesse, they agreed to grant a liberall aid: But before it was brought to any perfection, they were diverted by a multitude of Questions, raised amongst them, touching their Liberties and Privilledges, and by other long disputes, that the Bill did not passe in a long time; and by that delay, Our affairs were put into a far worse case then at the first; Our Foraigne Actions then in hand being thereby disgraced and ruined, for want of timely help.

In this, as We are not willing to derogate from the merit and good intentions of those wise and moderate men of that House, (to whose forwardnesse We attribute it, that it was Propounded and Resolved so soon); so We must needs say, that the delay of passing it when it was resolved, occasioned by causelesse jealousies, stirred up by men of another temper, did much lessen both the reputation and reality of that Supply. And their spirit, infused into many of the Commissioners and Assessors in the Country, hath returned up the Subsidies in such a scanty proportion, as is infinitely short, not onely of Our great occasions, but of the presidents of former Subsidies, and of the intentions of all well-affected men in that House.

In those large Disputes, as We permitted many of Our high prerogatives to be debated, which in the best times of Our Predecessors had never been questioned, without punishment or sharp reproof; so We

did endeavour to have ſhortned thoſe debates, for winning of time, which would have much advantaged Our great affairs, both at home and abroad. And therefore both by ſpeeches and meſſages, We did often declare Our gratious and clear reſolution, to maintain, not onely the Parliament, but all our People, in their antient and juſt liberties, without either violation or diminution; and in the end, for their full ſatisfaction and ſecurity, did by an Anſwer, framed in the form by themſelves deſired, to their Parliamentary Petition, confirm their antient and juſt Liberties and Rights, which We reſolve, with all conſtancy and juſtice, to maintain. A

This Parliament, howſoever beſides the ſetling Our neceſſary ſupply, and their own liberties, they waſted much time in ſuch proceedings, (blaſting Our Government, as We are unwilling to remember) yet We ſuffered them to ſit, untill themſelves deſired Us to appoint a time for their Receſſe, not naming either Adjournment or Prorogation. B

Whereupon by advice of Our Councill, We reſolved to prorogue and make a Seſſion; and to that end prefixed a day, by which they might (as was meet in ſo long a Sitting) finiſh ſome profitable and good Lawes; and withall gave order for a gratious Pardon to all Our Subjects: which, according to the uſe of former Parliaments, paſſed the Higher Houſe, and was ſent down to the Commons. All which being gratiouſly intended by Us, was ill-entertained by ſome diſaffected perſons of that Houſe, who by their artifices, in a ſhort time raiſed ſo much heat and diſtemper in the Houſe, for no other viſible cauſe, but becauſe We had declared Our reſolution to Prorogue, as Our Councill adviſed, and not to Adjourn, as ſome of that Houſe (after Our reſolution declared, and not before) did manifeſt themſelves to affect; that ſeldome hath greater paſſion been ſeen in that Houſe, upon the greateſt occaſions. And ſome glances in the Houſe, but upon open rumors abroad, were ſpread, That by the Anſwer to the Petition, We had given away, not onely Our Impoſitions upon Goods, exported and imported, but the Tunnage and Poundage, (whereas in the debate and hammering of that Petition, there was no ſpeech or mention in either Houſe concerning thoſe Impoſitions, but concerning Taxes and other charges within the Land; much leſſe was there any thought thereby to debar Us of Tunnage and Poundage, which both before and after the Anſwer to that Petition, the Houſe of Commons, in all their ſpeeches and treaties, did profeſſe they were willing to grant). And at the ſame time, many other miſinterpretations were raiſed of that Petition and Anſwer, by men, not well diſtinguiſhing between well ordered liberty, and licentiouſneſſe; as if by Our Anſwer to that Petition, We had let looſe the reynes of Our Government. And in this diſtemper, the Houſe of Commons, laying aſide the Pardon, (a thing never done in any former Parliament) and other buſineſſe, fit to have been concluded that Seſſion, ſome of them went about to frame and contrive a Remonſtrance againſt Our receiving of Tunnage and Poundage, which was ſo far proceeded in, the night before the prefixed time, for concluding the Seſſion, and ſo haſtned by the contrivers thereof, that they meant to have put it to the Vote of the Houſe the next morning, before We ſhould prorogue the Seſſion. And therefore finding Our gratious favours in that Seſſion, afforded to Our people, ſo ill requited, and ſuch ſiniſter ſtraines made upon Our Anſwer C D E F

to

to that Petition, to the diminution of Our profit, and (which was more) to the danger of Our Government: We reſolved to prevent the finiſhing of that Remonſtrance, and other dangerous intentions of ſome ill-affected perſons, by ending the Seſsion the next morning, ſome few hours ſooner then was expected; and by Our Own Mouth to declare to both Houſes the cauſe thereof; and for hindring the ſpreading of thoſe ſiniſter interpretations of that Petition and Anſwer,
A to give ſome neceſſary directions, for ſetling and quieting Our Government, untill another Meeting; which we performed accordingly the ſix and twentieth of *June* laſt.

The Seſsion thus ended, and the Parliament riſen, that intended Remonſtrance gave Us occaſion to look into the buſineſſe of Tunnage and Poundage. And therefore, though Our neceſsities pleaded ſtrongly for Us, yet We were not apt to ſtrain that point too far, but reſolved to guide Our Self by the practiſe of former Ages, and examples
B of Our moſt noble Predeceſſors; thinking thoſe counſels beſt warranted, which the wiſdom of former Ages, concurring with the preſent occaſions, did approve; and therefore gave order for a diligent ſearch of Records: upon which it was found, That although in the Parliament holden in the firſt yeer of the reigne of King *Edward* the fourth, the Subſidy of Tunnage and Poundage was not granted unto that King, but was firſt granted unto him by Parliament in the third yeer of his Reigne; yet the ſame was accounted and anſwered to that King,
C from the firſt day of his Reigne, all the firſt and ſecond yeers of his Reigne, and, untill it was granted by Parliament. And that in the ſucceeding times of King *Richard* the Third, King *Henry* the Seventh, King *Henry* the Eighth, King *Edward* the Sixth, Queen *Mary*, and Queen *Elizabeth*, the Subſidy of Tunnage and Poundage was not onely enjoyed by every of thoſe Kings and Queens, from the death of each of them deceaſing, untill it was granted by Parliament unto the Succeſſor; but in all thoſe times (being for the moſt part peacable, and
D not burdened with like charges and neceſſities, as theſe modern times) the Parliament did moſt readily and cheerfully, in the beginning of every of thoſe Reignes, grant the ſame; as a thing moſt neceſſary for the guarding of the Seas, ſafety and defence of the Realm, and ſupportation of the Royall Dignity. And in the time of our Royall Father of bleſſed memory, he enjoyed the ſame a full yeer, wanting very few daies, before his Parliament began; and above a yeer before the Act of Parliament for the grant of it was paſſed. And yet when the Parlia-
E ment was aſſembled, it was granted without difficulty. And in Our Own time, We quietly received the ſame three years and more, expecting with patience, in ſeverall Parliaments, the like grant thereof, as had been made to ſo many of Our Predeceſſors; the Houſe of Commons ſtill profeſſing, That multitude of other buſineſſes, and not want of willingneſſe on their part, had cauſed the ſetling thereof to be ſo long deferred. And therefore finding ſo much reaſon and neceſſity, for the receiving of the ordinary Duties in the Cuſtom-houſe, to concur
F with the practice of ſuch a ſucceſſion of Kings and Queens, famous for Wiſdom, Juſtice, and Government; and nothing to the contrary, but that intended Remonſtrance, hatched out of the paſſionate brains of a few particular perſons; We thought it was ſo far from the wiſdom and duty of a Houſe of Parliament, as We could not think, that any moderate and diſcreet man, (upon compoſed thoughts, ſetting aſide

passion and distemper) could be against receiving of Tunnage and Poundage; especially since We do, and still must, pursue those ends, and undergo that charge, for which it was first granted to the Crown; It having been so long and constantly continued to Our Predecessors, as that in four severall Acts of Parliament for the granting thereof to King *Edward* the Sixth, Queen *Mary*, Queen *Elizabeth*, and Our blessed *Father*. It is in expresse tearms mentioned, to have been had and enjoyed by the severall Kings, named in those Acts, time out of minde, by authority of Parliament. And therefore upon these reasons, We held it agreeable to Our Kingly Honour, and necessary for the safety and good of Our Kingdom, to continue the Receipt thereof, as so many of Our Predecessors had done. Wherefore when a few Merchants (being at first but one or two), fomented, as it is well known, by those evill Spirits, that would have hatched that undutifull Remonstrance, began to oppose the payment of Our accustomed Duties in the Custom-house, We gave order to the Officers of Our Customs to go on, notwithstanding that opposition, in the receiving of the usuall Duties; and caused those, that refused, to be warned to attend at the Councill-board, that by the wisdom and authority of Our Councill, they might be reduced to obedience and duty; where some of them, without reverence or respect to the honour and dignity of that Presence, behaved themselves with such boldnesse and insolency of speech, as was not to be endured by a far meaner Assembly, much lesse to be countenanced by a House of Parliament, against the Body of Our Privy Councill.

A B C

And as in this We did, what in reason and honour was fit for the present, so Our Thoughts were daily intentive upon the re-assembling of Our Parliament, with full intention on Our part, to take away all ill-understanding between Us and Our people; whose loves, as We desired to continue and preserve, so We used Our best endeavours, to prepare and facilitate the way to it. And to this end, having taken a strict and exact survey of Our Government, both in the Church and Common-wealth, and what things were most fit and necessary to be reformed: We found in the first place, that much exception had been taken at a Book, entituled, *Appello Cæsarem*, or, *An Appeal to Cæsar*; and published in the year 1625. by *Richard Montague*; then Batchelor of Divinity, and now Bishop of *Chichester*; and because it did open the way to those schisms and divisions, which have since ensued in the Church, We did, for remedy and redresse thereof, and for the satisfaction of the consciences of Our good people, not onely by Our publick Proclamation, call in that Book, which ministred matter of offence, but to prevent the like danger for hereafter, re-printed the Articles of Religion, established in the time of Queen *Elizabeth* of famous memory; and by a Declaration before those Articles, We did tie and restrain all opinions to the sense of those Articles, that nothing might be left for private fancies and innovations. For, We call God to record, before whom We stand, that it is, and alwaies hath been, Our hearts desire, to be found worthy of that Title, which We account the most glorious in all our Crown, *Defender of the Faith*. Neither shall We ever give way to the authorising of any thing, whereby any *Innovation* may steal or creep into the Church; but to preserve that unity of Doctrine and Discipline, established in the time of Queen *Elizabeth*, whereby the Church of *England* hath stood and flourished ever since.

D E F

And

And as we were carefull to make up all breaches and rents in Religion at home, ſo did We, by Our Proclamation and Commandment, for the execution of Lawes againſt Prieſts, and Popiſh Recuſants, fortifie all waies and approaches againſt that forraigne Enemy; which if it have not ſucceeded according to Our intention, We muſt lay the fault where it is, in the ſubordinate Officers, and Miniſters in the Country, by whoſe remiſneſſe, Jeſuites and Prieſts eſcape without apprehenſion; and Recuſants, from thoſe convictions and penalties, which the Law and Our Commandment would have inflicted on them. For We do profeſſe, That, as it is Our duty, ſo it ſhall be our care, to command and direct well; but it is the part of others, to perform the miniſteriall office. And when We have done Our office, We ſhall account Our Self, and all charitable men will account Us innocent, both to God and men. And thoſe that are negligent, We will eſteem as culpable both to God and Us; and therefore will expect, that hereafter they give Us a better account.

And, as We have been carefull for the ſetling of Religion, and quieting the Church; ſo were We not unmindfull of the preſervation of the juſt and antient Liberties of Our Subjects, which we ſecured to them by our gratious Anſwer to the Petition in Parliament, having not ſince that time done any act whereby to infringe them. But Our care is, and hereafter ſhall be, to keep them entire and inviolable, as We would do Our Own Right and Soveraignty, having for that purpoſe enrolled the Petition and Anſwer in our Courts of Juſtice.

Next to the care of Religion, and of Our Subjects Rights, We did Our beſt for the provident and well-ordering of that aid and ſupply, which was granted us the laſt Seſſion, whereof no part hath been waſtefully ſpent, nor put to any other uſe, than thoſe for which it was deſired and granted; as upon payment of Our Fleet and Army: wherein Our care hath been ſuch, as We choſe rather to diſcontent Our deareſt Friends and Allies, and Our neareſt Servants, than to leave Our Souldiers and Marriners unſatisfied, whereby any vexation or diſquiet might ariſe to our People. We have alſo, with part of thoſe monies, begun to ſupply our Magazines, and ſtores of Munition, and to put Our Navy into a conſtant form and order. Our Fleet likwiſe is fitting, and almoſt in a readineſſe, whereby the Narrow Seas may be guarded, Commerce maintained, and Our Kingdome ſecured from all forraign attempts. Theſe acts of Ours might have made this impreſſion in all good minds, that We were carefull to direct Our counſells, and diſpoſe Our actions, as might moſt conduce to the maintenance of Religion, honour of Our Government, and ſafety of Our People. But with miſchievous men once ill-affected, *ſeu bene, ſeu male facta premunt*; and whatſoever once ſeemed amiſſe is ever remembered; but good endeavours are never regarded.

Now all theſe things that were the chief complaints the laſt Seſſion, being by Our Princely care ſo ſeriouſly reformed, the Parliament reaſſembled the 20th of *January* laſt. We expected, according to the candor and ſincerity of our own thoughts, that men would have framed themſelves for the effecting of a right underſtanding between Us and Our People. But ſome few malevolent perſons, like Empericks and lewd Artiſts, did ſtrive to make new work, and to have ſome diſeaſe on foot, to keep themſelves in requeſt, and to be employed and entertained in the cure. And yet to manifeſt how much offences have been

been diminiſhed, The Committees for Grievances, Committees for Courts of Juſtice, and Committees for Trade, have, ſince the ſitting down of the Parliament, received few Complaints, and thoſe ſuch, as they themſelves have not thought to be of that moment or importance, with which Our Ears ſhould be acquainted.

No ſooner therefore was the Parliament ſet down, but theſe ill-affected men began to ſow and diſperſe their jealouſies, by caſting out ſome glances and doubtfull ſpeeches, as if the Subject had not been ſo clearly and well dealt with, touching their liberties, and touching the Petition anſwered the laſt Parliament. This being a plauſible Theam, thought on for an ill purpoſe, eaſily took hold on the minds of many, that knew not the practice. And thereupon the ſecond day of the Parliament, a Committee was appointed to ſearch, whether the Petition and our Anſwer thereunto were enrolled in the Parliament Role, and in the Courts at *Weſtminſter*, and in what manner the ſame was done. And a day alſo was then appointed, on which, the Houſe being reſolved into a Committee, ſhould take into conſideration thoſe things, wherein the liberty of the Subject had been invaded, againſt the Petition of Right. This, though it produced no other effect of moment or importance, yet was ſufficient to raiſe a jealouſie againſt our proceedings, in ſuch as were not well acquainted with the ſincerity and clearneſſe of them. There followed another of no leſſe skill; for although Our proceeding, before the Parliament, about matters of Religion, might have ſatisfied any moderate men of Our zealous care thereof, (as we are ſure it did the moſt) yet, as bad ſtomachs turn the beſt things into their own nature, for want of good digeſtion; ſo thoſe diſtempered perſons have done the like of Our good intents, by a bad and ſiniſter interpretation: For, when they did obſerve, that many honeſt and religious minds in that Houſe, did complain of thoſe dangers that did threaten the Church; they likewiſe took the ſame word in their mouth, and their cry likewiſe was, *Templum Domini*, *Templum Domini*, when the true care of the Church never came into their hearts: and what the one did out of zeal unto Religion, the other took up as a plauſible Theam, to deprave Our Government, as if We, Our Clergy, and Councill, were either ſenſleſſe or careleſſe of Religion. And this wicked practiſe hath been, to make Us ſeem to walk before Our people, as if We halted before God.

Having, by theſe artifices, made a jealous impreſſion in the hearts of many; and a day being appointed to treat of the Grant of Tunnage and Poundage, at the time prefixed, all expreſſe great willingneſſe to grant it. But a new ſtrain is found out, that it could not be done, without great perill to the right of the Subject, unleſſe We ſhould diſclaim any right therein, but by grant in Parliament; and ſhould cauſe all thoſe Goods to be reſtored, which, upon commandment from Us, or Our Councill, were ſtayed by our Officers, untill thoſe Duties were paid, and conſequently ſhould put Our Selves out of the poſſeſſion of the Tunnage and Poundage, before they were granted; for elſe, it was pretended, the Subject ſtood not in fit caſe to grant it. A fancy and cavill raiſed of purpoſe to trouble the buſineſſe; it being evident, that all the Kings before named did receive that Duty, and were in actuall poſſeſſion of it, before, and at the very time, when it was granted to them by Parliament. And although We, to remove all difficulties, did from Our Own Mouth, in thoſe clear and open tearms, that might have ſatisfied

fied any moderate and well-disposed minds, declare, That it was Our meaning, by the gift of Our people, to enjoy it, and that we did not challenge it of right, but took it *de bene esse*, shewing thereby, not the right, but the necessity, by which We were to take it, (wherein We descended, for their satisfaction, so far beneath Our self, as We are confident, never any of Our Predecessors did the like, nor was the like ever required or expected from Them). Yet for all this, the Bill of
A Tunnage and Poundage was laid aside, upon pretence, they must first clear the right of the Subject therein; under colour whereof, they entertain the complaints, not onely of *John Rolles*, a Member of their House, but also of *Richard Chambers*, *John Fowkes*, and *Bartholomew Gilman*, against the Officers of Our Customs, for detaining their goods, upon refusall to pay the ordinary Duty, accustomed to be paid for the same. And upon these complaints, they send for the Officers of the Customes, enforcing them to attend day after day, by the space of
B a month together; they cause them to produce their Letters Patents under Our Great Seal, and the Warrants made by Our Privy Councill, for levying of those Duties. They examine the Officers upon what questions they please, thereby to entrap them for doing Our service and commandment. In these and other their proceedings, because We would not give the least shew of interruption, We endured long with much patience both these, and sundry other strange and exorbitant incroachments and usurpations, such as were never before attempted in that House.
C

We are not ignorant, how much that House hath of late years endeavoured to extend their priviledges, by setting up generall Committees for Religion, for Courts of Justice, for Trade, and the like; a course never heard of untill of late: So as, where in former times the Knights and Burgesses were wont to communicate to the House such businesse, as they brought from their Countries; now there are so many Chairs erected, to make enquirie upon all sorts of men, where
D complaints of all sorts are entertained, to the unsufferable disturbance and scandall of Justice and Government, which having been tolerated a while by Our Father, and Our Self, hath daily grown to more and more height; insomuch that young Lawyers sitting there, take upon them to decry the opinions of the Judges; and some have not doubted to maintain, That the Resolutions of that House must bind the Judges; a thing never heard of in Ages past. But, in this last assembly of Parliament, they have taken on them much more then ever before.

E They sent messengers to examine Our Atturney Generall, (who is an Officer of trust and secrecy) touching the execution of some commandements of Ours, of which, without Our leave first obtained, he was not to give account to any but Our Self. They sent a captious and directory message to the Lord Treasurer, Chancellor, and Barons of the Exchequer, touching some judiciall proceedings of theirs in Our Court of Exchequer.

They sent messengers to examine upon sundry questions, Our two
F Chief Justices, and three other of Our Judges, touching their judiciall proceedings at the Gaol-Delivery at *Newgate*, of which, they are not accountable to the House of Commons.

And whereas Suits were commenced in Our Court of Star-Chamber, against *Richard Chambers*, *John Fowkes*, *Bartholomew Gilman*, and *Richard Phillips*, by Our Atturney Generall, for great misdemeanours;

they

they resolved, that they were to have priviledge of Parliament against us for their persons, for no other cause, but because they had Petitions depending in that House; and (which is more strange) they resolved, that a Signification should be made from that House, by a Letter, to issue under the hand of their Speaker, unto the Lord Keeper of Our Great Seal, that no attachments should be granted out against the said *Chambers*, *Fouks*, *Gilman*, or *Phillips*, during their said priviledge of Parliament. Whereas it is far above the power of that House, to give direction to any of Our Courts at *Westminster*, to stop Attatchments against any man, though never so strongly priviledged; the breach of Priviledge being not in the Court that grants, but in the Party or Minister that puts in execution such Attachments. And therefore, if any such Letter had come to the Lord Keeper, as it did not, he should have highly offended Us if he had obeyed it. Nay, they went so far, as they spared not the honour of Our Councill-board, but examined their proceedings in the case of Our Customers, interrogating what this or that man of Our Councill said, in direction of them in the businesse committed to their charge. And when one of the Members of that House speaking of our Counsellors, said, We had wicked Counsell; and another said, that the Councill and Judges sought to trample under feet the liberty of the Subject; and a third traduced Our Court of Star-Chamber, for the Sentence given against *Savage*, they passed without check or censure by the House. By which may appear, how far the Members of that House have of late swollen beyond the rules of moderation, and the modesty of former times; and this under pretence of priviledge and freedom of speech, whereby they take liberty to declare against all authority of Councill and Courts at their pleasure.

They sent for Our Sheriff of *London* to examine him in a cause, whereof they had no jurisdiction; their true and antient jurisdiction extending onely to their own Members, and to the conservation of their priviledges, and not to the censure of forrain persons and causes, which have no relation to their priviledges, the same being but a late innovation. And yet upon an enforced strain of a Contempt, for not answering to their satisfaction, they commit him to the Tower of *London*, using that outward pretext for a cause of committing him, the true and inward cause being, for that he had shewed himself dutifull to Us and Our commandements, in the matter concerning Our Customs.

In these innovations (which We will never permit again) they pretended indeed Our service; but their drift was, to break, by this means, through all respects and ligaments of Government, and to erect an universall over-swaying power to themselves, which belongs onely to Us, and not to them.

Lastly, in their proceedings against Our Customers, they went about to censure them as Delinquents, and to punish them, for having some goods of some factious Merchants, in Our Store-house, for not paying those Duties which themselves had formerly paid, and which the Customers, without interruption, had received of all other Merchants, many years before, and to which they were authorised, both by Our great Seal, and by severall directions and commandements from Us and Our Privy Councill.

To give some colour to their proceedings herein, they went about to

to create a new priviledge, (which We will never admit) That a Parliament-man hath priviledge for his goods against the King; the consequence whereof would be, That he may not be constrained to pay any Duties to the King, during the time of priviledge of Parliament. It is true, they would have this case to have been between the Merchants, and Our Farmers of Our Customs, and have severed them from Our interest and commandment, thereby the rather to make them
A lyable to the censure and punishment of that House. But on the other side, We holding it both unjust and dishonorable, to with-draw Our self from Our Officers, in any thing they did by Our commandement, or to disavow any thing that we had enjoyned to be done; upon *Munday* the 23d of *February*, sent a message unto them by Secretary *Cook*, thanking them for the respect they had shewed, in severing the interest of Our Farmers from Our Own interest and commandment. Nevertheless, We were bound in honour to acknowledge a truth, that,
B what was done by them, was done by our expresse commandement and direction; and if for doing thereof Our Farmers should suffer, it would highly concern Us in honour. Which message was no sooner delivered unto them, but in a tumultuous and discontented manner, they called, *Adjourn, Adjourn*; and thereupon, without any cause given on Our part, in a very unusuall manner, adjourned, untill the *Wednesday* following.

On which day, by the uniform wisdom of Our Privy Council, We caus-
C ed both Houses to be adjourned until the second day of *March*; hoping that in the mean time, a better and more right understanding might bee begotten between Us, and the Members of that House, whereby the Parliament might come to a happy Issue.

But understanding by good advertisment, that their discontent did not in that time digest, and passe away; We resolved to make a second adjournment, untill the tenth of *March*; which was done, as well to take time to Our Self, to think of some means to accommodate those
D difficulties, as to give them time to advise better; and accordingly, We gave commandment for a second adjournment in both Houses, and for cessation of all businesse till the day appointed; which was very dutifully obeyed in the Higher House, no man contradicting or questioning it. But when the same commandment was delivered in the House of Commons by their Speaker, it was streight-waies contradicted; and although the Speaker declared unto them, it was an absolute right and power in Us to adjourn, as well as to prorogue or dissolve; and declared and readd unto them divers presidents of that House, to warrant
E the same; yet Our commandment was most contemptuously disobeyed; and some rising up to speak, said, They had businesse to do before the House should be adjourned.*

Whilst the Duke of *Buckingham* lived, he was intituled to all the distempers and ill events of former Parliaments; and therefore much endeavour was used to demolish him, as the onely wall of separation between Us and Our people. But now he is dead, no alteration was
F found amongst those envenomed spirits, which troubled then the blessed harmony between Us and Our Subjects, and continue still to trouble it. For now under the pretence of publick care of the Commonwealth, they suggest new and causelesse fears, which in their own hearts they know to be false; and devise new Engines of mischief, so to cast a blindnesse upon the good affections of Our people, that they

*Here are the passages concerning the Members deportment in the House, mentioned in this Declaration, which we forbear to repeat, in regard the same are at large expressed in the Information in the Star-chamber before mentioned.

may not see the truth, and largeneſſe of Our heart towards them. So that now it is manifeſt, the Duke was not alone the mark theſe men ſhot at, but was onely as a near miniſter of Ours, taken up, on the By, and in their paſſage to their more ſecret deſignes; which were onely to caſt Our Affairs into a deſperate condition, to abate the powers of Our Crown, and to bring Our Government into obloquy; that, in the end, all things may be over-whelmed with Anarchy and Confuſion. A

We do not impute theſe dyſaſters to the whole Houſe of Commons, knowing that there were amongſt them many religious, grave, and well-minded men; but the ſincerer and better part of the Houſe was over-born, by the practiſes and clamours of the other, who, careleſſe of their duties, and taking advantage of the times, and Our neceſſities, have enforced Us to break off this Meeting; which, had it been anſwered with like duty on their parts, as it was invited and begun with love on Ours, might have proved happy and glorious, both to Us and this whole Nation. B

We have thus declared the manifold cauſes We had, to diſſolve this Parliament, whereby all the world may ſee, how much they have forgotten their former engagements at the entry into the War, themſelves being perſwaders to it; promiſing to make Us feared by Our enemies, and eſteemed by Our friends. And how they turned the Neceſſities grown by that War, to enforce us to yield to Conditions incompatible with Monarchy.

And now that Our People may diſcern, that theſe provocations of evill men (whoſe puniſhments we reſerve to a due time) have not changed Our good intentions to Our Subjects, We do here profeſſe to maintain the true Religion and Doctrine, eſtabliſhed in the Church of *England*, without admitting or conniving at any back-ſliding, either to Popery or Schiſm. We do alſo declare, That we will maintain the antient and juſt rights and liberties of Our Subjects, with ſo much conſtancy and juſtice, that they ſhall have cauſe to acknowledge, That under Our government and gratious protection, they live in a more happy and free eſtate, then any ſubjects in the Chriſtian world. Yet let no man hereby take the boldneſſe to abuſe that liberty, turning it to licentiouſneſſe; nor miſinterprett the Petition, by perverting it to a lawleſſe liberty, wantonly or frowardly, under that or any other colour, to reſiſt lawfull and neceſſary authority. For as We will maintain Our Subjects in their juſt liberties, ſo We do and will expect, that they yield as much ſubmiſſion and duty to Our Royall prerogatives, and as ready obedience to Our authority and commandments, as hath been performed to the greateſt of Our Predeceſſors. C D E

And for Our Miniſters, We will not that they be terrified by thoſe harſh proceedings, that have been ſtrained againſt ſome of them. For, as we will not command any thing unjuſt or diſhonourable, but ſhall uſe Our authority and prerogatives for the good of Our People; ſo we will expect, that Our Miniſters obey Us, and they ſhall aſſure themſelves, We will protect them.

As for Our Merchants, We let them know, We ſhall alwaies endeavour to cherriſh and enlarge the Trade of ſuch as be dutifull, without burthening them beyond what is fitting: but the Duty of Five in the Hundred, for guarding of the Seas, and defence of the Realm, to which we hold Our ſelves ſtill obliged, (and which Duty hath continued without interruption ſo many ſucceſſion of Ages) We hold F

no

no good or dutifull Subject will deny it, being ſo neceſſary for the good of the whole Kingdom. And if any factious Merchant will affront Us, in a thing ſo reaſonable, and wherein we require no more, nor in no other manner, than ſo many of Our Predeceſſors have done, and have been dutifully obeyed: Let them not deceive themſelves, but be aſſured, that We ſhall find honourable and juſt means to ſupport Our Eſtate, vindicate Our Soveraignty, and preſerve the Authority which God hath put into Our Hands.

A

And now having laid down the truth and clearneſſe of Our proceedings, all wiſe and diſcreet men may eaſily judge of thoſe rumours, and jealous fears, that are malitiouſly and wickedly bruited abroad, and may diſcern, by examination of their own hearts, whether (in reſpect of the free paſſage of the Goſpel, indifferent and equall adminiſtration of Juſtice, freedom from oppreſſion, and the great peace and quietneſſe which every man enjoyeth under his own Vine and Fig-tree) the happineſſe of this Nation can be parallel'd, by any of Our neighbour-Countries; and if not, then to acknowledge their own bleſſednеſſe, and for the ſame be thankfull to God, the Author of all goodneſſe.

B

A Propoſition for His Majeſties Service, to bridle the Impertinency of Parliaments. Afterwards queſtioned in the Star-Chamber.

A Propoſition preſented to the King how to keep in awe this nation.

THe Propoſition for your Majeſtie's ſervice containeth two parts: the one, to ſecure your State, and to bridle the impertinency of Parliaments: the other, to increaſe your Majeſtie's Revenue, much more then it is. Touching the firſt, having conſidered divers means, I find none ſo important, to ſtrengthen your Majeſties Regall authority, againſt all oppoſitions and practiſes of troubleſome ſpirits, and to bridle them; than to fortifie your Kingdome, by having a Fortreſſe in

First to have a Fortreſſe in every conſiderable Town.

every chief Town, and important place thereof, furniſhed with Ordnance, Munition, and faithfull Men, as they ought to be, with all other circumſtances fit for to be digeſted in a buſineſſe of this nature; ordering withall the trained Soldiers of the County to be united in one dependency with the ſaid Fort, as well to ſecure their beginning, as to ſuccour them in any occaſion of ſuſpect; and alſo to retain and keep their Armes for more ſecurity, whereby the Countries are no leſſe to be brought in ſubjection than the Cities themſelves, and conſequently the whole Kingdom; your Majeſty having by this courſe the power thereof in your own hands. The reaſons of the ſuggeſts are theſe: 1. That in Policy, it is a greater tye of the People by force and neceſſity, then meerly by love and affection; for by the one, the Government reſteth alwaies ſecure; but by the other, no longer then the people are contented. 2. It forceth obſtinate ſubjects to be no more preſumptuous, than it pleaſeth your Majeſty to permit them. 3. That to leave a State unfurniſhed, is, to give the Bridle thereof to the Subject; when, by the contrary, it reſteth onely in the Prince's hands. 4. That modern Fortreſſes take long time in winning, with ſuch charge and difficulty, as no Subjects in theſe times have means probable to attempt them. 5. That it is a ſure remedy againſt Rebellions, and popular Mutinies, or againſt forraigne powers; becauſe they cannot well ſucceed: when by this courſe the apparent means is taken away, to force the King and Subject upon a doubtfull fortune of a ſet Battle, as was the cauſe, that moved the pretended invaſion againſt the land, attempted by the King of *Spain* in the year 1588. 6. That your Majeſtie's government is the more ſecure, by the people's more ſubjection; and by their ſubjection, your Parliament muſt be forced conſequently to alter their ſtyle, and to be conformable to your will and pleaſure; for their words and oppoſition import nothing, where the power is in your Majeſties own hands, to do with them what you pleaſe; being indeed the chief purpoſe of this diſcourſe, and the ſecret intent thereof, fit to be concealed from any Engliſh at all, either Counſellors of State or other.

For theſe, and divers other weighty reaſons, It may be conſidered in this place, to make your Majeſty more powerfull and ſtrong, ſome orders be obſerved, that are uſed in fortified Countries, the government whereof imports as much as the States themſelves, I mean, in times of doubt or ſuſpect, which are theſe. *Imprimis*, That none wear Arms or Weapons at all, either in City or Country, but ſuch as your Majeſty may think fit to priviledge, and they to be inrolled.

2. That

2. That as many high-waies as conveniently may be done, be made passable through those Cities and Townes fortified, to constrain the passengers to travell through them. 3. That the souldiers of Fortresses be sometimes chosen of another Nation, if subject to the same Prince: but howsoever, not to be born in the same Province, or within forty or fifty miles of the Fortresse, and not to have friends or correspondency near it. 4. That at all the Gates of each walled Town be appointed Officers, not to suffer any unknown passengers to passe without their leave, shewing from whence he came, and whither he goes. And that the Gates of each City be shut all night, and keyes kept by the Mayor or Governour. 5. Also Inn-keepers to deliver the names of all their nights passengers that lodge in their houses; and if they stay suspitiously any time, to present them to the Governour: whereby dangerous persons seeing these strict courses, will be more wary of their actions; and thereby mischievous attempts will be prevented. All which being referred to your Majestie's wise consideration, it is meet for me withall to give you some satisfaction, of the charge and time to perform what is purposed, that you may not be discouraged in the difficulty of the one, or prolongation of the other; both which doubts are resolved in one and the same reason, in respect that in England each chief Town commonly hath a ruinated Castle, well seated for strength, whose foundation and stones remaining, may be both quickly repaired for this use, and with little charge and industry made strong enough, I hope, for this purpose, within the space of one year, by adding withall Bulwarks and Rampiers for the Ordinance, according to the rules of Fortification. The Ordnance for these Forts may be of Iron, not to disfurnish your Majestie's Navy, or be at a greater charge then is needfull.

Secondly, To cause high-waies to be made through such Townes.
Thirdly, To choose the Souldiers of such Fortresses, no Inhabitants of the place.
4. To let none passe through such places without a Ticket.
5. To have the names of all lodgers taken by Inkeepers.

To maintain yearly the Fort, I make account in ordinary pay, three thousand men will be sufficient, and will require forty thousand pound charge *per Annum*, or thereabouts, being an expence than in forreine Princes undergo, for their necessary safety. All which prevention added to the invincible Sea-force your Majesty hath already, and may have, will make you the most powerfull and obeyed King of the world. Which I could likewise confirm by many examples, but I omit them for brevity, and not to confuse your Majesty with too much matter. Your Majesty may find by the scope of this discourse, the means shewed in generall to bridle your Subjects, that may be either discontent or obstinate. So likewise am I to conclude the same intent particularly, against the perversnesse of your Parliament, as well to suppresse that pernitious humour, as to avoid their opposition against your profit, being the second part to be discoursed on: and therefore have first thought fit, for better prevention thereof, to make known to your Majesty the purpose of a generall Oath your Subjects may take, for sure avoiding of all rubs, that may hinder the conclusion of these businesses. It is further meant, that no subject upon pain of high Treason, may refuse the same Oath, containing onely matter of Allegiance, and not scruples in points of Conscience, that may give pretence not be denyed. The effect of the Oath is this, That all your Majestie's Subjects do acknowledge you, to be as absolute a King and Monarch within your Dominions, as is amongst the Christian Princes; and your Prerogative as great: whereby you may and shall of your self, by your Majestie's Proclamation, as well as other Soveraign Princes doing the like,

The expence of these Forts.

To impose an oath on the Subjects.

like, either make Lawes, or reverſe any made, with any other Act; ſo great a Monarch as your ſelf may do, and that without further conſent of a Parliament, or need to call them at all in ſuch caſes; conſidering, that the Parliament in all matters, excepting cauſes to be ſentenced as the higheſt Court, ought to be ſubject unto your Majeſtie's will, to give the negative or affirmative concluſion, and not to be conſtrained by their impertinencies to any inconvenience, appertaining to your Majeſtie's Regall Authority; and this, notwithſtanding any bad A
cuſtome or cuſtoms to the contrary in practiſe, which indeed were fitter to be offered a Prince elected, without other right, than to your Majeſty, born ſucceſſively King of *England*, *Scotland*, and *Ireland*, and your Heirs for ever; and ſo received, not onely of your Subjects, but alſo of the whole world. How neceſſary the dangerous ſupremacy of Parliaments uſurpation is to be prevented, The example of *Lewis* the Eleventh King of *France*, doth manifeſt, who found the like oppoſition as your Majeſty doth; and by his wiſdom ſuppreſſed it. And, to the B
purpoſe here intended, which is not to put down altogether Parliaments, and their authority, being in many caſes very neceſſary and fit, but to abridge them ſo far, as they ſeek to derogate from your Majeſties Regall authority, and advancement of your greatneſſe. The caution in offering the afore-ſaid Oath, may require ſome policy, for the eaſier paſſage at firſt, either by ſingular or particular tractation; and that ſo near about one time over the Land, as one Government may not know what the other intendeth; ſo it may paſſe the eaſier, by having no time of combination or oppoſition. There is another means alſo more certain then this, to bring to paſſe the Oath more eaſily, as alſo your profit, and what elſe pretended; which here I omit for brevity, requiring a long diſcourſe by it ſelf, and have ſet it down in particular inſtructions to inform your Majeſty. C

2. The ſecond part of this Diſcourſe is, touching your Majeſtie's Profit, after your State is ſecured: Wherein I ſhould obſerve both ſome reaſonable content to the people, as alſo conſider the great expences that Princes have now adaies, more then in times paſt, to maintain their greatneſſe, and ſafety of their Subjects, who, if they have not wit or will to conſider their own intereſt ſo much indifferently, your Majeſtie's wiſdom muſt repair their defects, and force them to it by compulſion; but I hope there ſhall be no ſuch cauſe, in points ſo reaſonable, to increaſe your Majeſtie's revenue, wherein I ſet down divers means for your gratious Self to make choice of, either all or part at your pleaſure, and to put it in execution by ſuch degrees and cautions, as your great wiſdom ſhall think fit in a buſineſſe of this nature. D E

Meanes to increaſe the King's revenewes.
1 To demand a *Decima* of mens eſtates.

Imprimis, The firſt means or courſe intended to increaſe your Majeſtie's revenues or profit withall, is of greateſt conſequence, and I call it a *Decimation*, being ſo tearmed in *Italy*, where in ſome part it is in uſe, importing the tenth of all Subjects eſtates to be paid as a yeerly rent to their Prince, and as well monyed men in Towns, as landed men in the Countries, their value and eſtates eſteemed juſtly as it is to the true value, though with reaſon; and this paid yeerly in mony: F
Which courſe applyed in *England* for your Majeſtie's ſervice, may ſerve inſtead of Subſidies, Fifteens, and ſuch like, which in this caſe are fit to be releaſed, for the Subjects benefit and content, in recompence of the laid *Decima*, which wil yield your Majeſty more in certainly, than they do Caſually by five hundred thouſand pounds *per annum*

at

at the least. *Item*, That when your Majesty hath gotten monie into your hands by some courses to be set down, it would be a profitable course to increase your *Entrada*, to buy out all Estates and Leases upon your own Lands, in such sort, as they be made no losers; whereby having your Lands free, and renting it out to the true value, as it is most in use, and not imployed as heretofore, at an old Rent, and small Fines, you may then rent it out for at least four or five times more money, then the old Rent comes unto. So as if your Majesties Lands be already but sixty thousand pounds *per Annum*, by this course it will be augmented at the least two hundred thousand pounds *per Annum*; and to buy out the Tenants estates will come to a small matter by the course, to make them no losers, considering the gain they have already made upon the Land: And this is the rather to be done, and the present course changed, because it hath been a custom used meerly to couzen the King. *Item*. Whereas most Princes do receive the benefit of Salt in their own hands, as a matter of great profit, because they receive it at the lowest price possible, and vent it at double gain yearly; the same course used by your Majesty, were worth at least one hundred and fifty thousand pound *per Annum*. It is likewise in other parts, that all Weights and Measures of the land, either in private Houses, Shops, or publick Markets, should be viewed to be just, and sealed once a year, paying to the Prince for it; which in *England*, applyed to your Majesty, with order to pay six-pence for the sealing of each said Weight or Measure, would yield near sixty thousand pounds *per Annum*. *Item*, Though all Countries pay a *Gabella* for transportation of Cloth, and so likewise in *England*; yet in *Spain* there is Impost upon the Wools, which in *England* is so great a wealth and benefit to the Sheep-Masters, as they may well pay you five pound *per cent.* of the true value at the shearing, which I conceive may be worth one hundred and forty thousand pounds *per Annum*. *Item*. Whereas the Lawyers Fees and gains in *England* be excessive, to your Subjects prejudice; it were better for your Majesty to make use thereof, and impose on all Causes sentenced with the party, to pay five pound *per cent.* of the true value that the Cause hath gained him; and for recompence thereof, to limit all Lawyers Fees and gettings, whereby the Subject shall save more in Fees and Charges, then he giveth to your Majesty in the Gabella, which I believe may be worth, one year with another, fifty thousand pounds. *Item*, Whereas the Innes and Victualling-houses in *England* are more chargeable to the Travellers, then in other Countries, it were good for your Majesty to limit them to certain Ordinaries, and raise besides a large Imposition, as is used in *Tuskany* and other parts; that is, a prohibiting all Innes and Victualling-houses, but such as shall pay it; and to impose upon the chief Inns and Taverns, to pay ten pounds a year to your Majesty, and the worst five pound *per Annum*; and all Ale-houses twenty shillings *per Annum*, more or lesse, as they are in custom. Of all sorts there are so many in *England*, that this Impost may well yield one hundred thousand pounds *per Annum* to your Majesty. *Item*, In *Tuscany* and other parts, there is a *Gabella* of all Cattle, or Flesh, and Horses sold in Markets, paying three or four *per cent.* of what they are sold for, which by conjecture may be worth in *England* two hundred thousand pounds *per Annum*; using the like Custom upon Fish, and other Victualls, (Bread excepted) and for this cause, Flesh, and Fish, and Victualls in the Markets

2 To buy out all Leases upon the Crown-Lands.

3 To take the Salt into his Majesties own hands.

4 To demand a rate for Sealing the weights every yeare.

5. To demand an Impost for Wools.

6. To put a Tax upon every Lawyers Fee.

7. To put a Tax upon Inns and Victualling-houses for a License.

8. To put a Tax upon all Cattle, Flesh, and Horses sold in the Market.

Markets, to be priced and sold by weight, whereby the Subject saveth more in not being cousened, than the Imposition impaireth them. *Item*, In *Tuskany* is used a Taxation of seven *per cent.* upon all alienation of Lands to the true value. As also seven *per cent.* upon all Dowries or Marriage-monies. The like, if it be justly used in *England*, were worth at least one hundred thousand pound *per Annum*; with many other Taxations upon Meal, and upon all Merchandises in all Towns, as well as Port-Towns, which here I omit, with divers others, as not so fit for *England*. And in satisfaction of the Subject for these Taxes, your Majesty may be pleased to release them of Wardships, and to enjoy all their Estates at eighteen yeers old; and in the mean time, their profits to be preserved for their own benefit. And also in forfeitures of Estate by condemnation, your Majesty may release the Subject, as not to take the forfeiture of their Lands, but their Goods, High-Treason onely excepted; and to allow the Counsell of Lawyers in case of life and death; as also not to be condemned without two Witnesses, with such like benefit, which importeth much more their good, then all the Taxations named can prejudice them. *Item*, Some of the former Taxations, used in *Ireland* and in *Scotland*, as may easily be brought about by the first example thereof used in *England*, may very well be made to increase your Revenue there, more then it is, by two hundred thousand pound *per Annum*. *Item*, All Offices in the Land, great and small, in your Majestie's grant, may be granted, with condition, to pay you a part yearly, according to the value: This in time may be worth (as I conceive) one hundred thousand pound *per Annum*: adding also Notaries, Attorneys, and such like, to pay some proportion yearly towards it, for being allowed by your Majesty to practise; and prohibiting else any to practise in such places. *Item*, To reduce your Majesties household to Board-wages, as most other Princes do, reserving some few Tables; this will save your Majesty sixty thousand pounds *per Annum*, and ease greatly the Subject besides, both in Carriages and Provision, which is a good reason, that your Majesty in honour might do it. *Item*, I know an assured course in your Majestie's Navy, which may save at least forty thousand pounds *per Annum*, which requiring a whole Discourse by it self, I omit; onely promise you to do it, whensoever you command. *Item*, Whereas your Majesties Lawes do command the strict keeping of Fasting-daies, you may also prohibit on those daies to eat Eggs, Cheese, and White-meats, but onely such as are contented to pay eighteen pence a yeer for the liberty to eat them, and the better sort ten shillings. The employment of this may be for the defence of the Land, in maintaining the Navy, Garrisons, and such like, much after the fashion of a *Crusado* in *Spain*, as your Majesty knoweth, being first begun there, under the pretence to defend the Land against the Moors. And the same used in *England*, as aforesaid, may very well yield, one yeer with another, one hundred thousand pounds, without any disgust to any, because it is at every ones choice to give it or no. Lastly, I have a course upon the Catholicks, and very safe for your Majesty, being with their good liking, as it may be wrought, to yield you presently at least two hundred thousand pound *per Annum*, by raising a certain value upon their Lands, and some other impositions; which requiring a long Discourse by it self, I will omit it here, setting it

9. To put a Tax upon all Lands alienated.

10. To demand a rate upon all Offices in his Majestie's grant.

11. To reduce his Majesties Houshold to Board wages.

12. To demand a rate for license to eat *Lacticinia*.

13. To take an imposition upon the Catholicks lands

it down in my Instructions; it will save your Majesty at least One hundred thousand pounds *per Annum*, to make it pain of death, and confiscation of goods and lands, for any of the Officers to cousen You, which now is much to be feared they do, or else they could not be so rich; and herein to allow a fourth part benefit to them that shall find out the cousenage. Here is not meant Officers of State, as the Lord Treasurer, &c. being Officers of the Crown. The summe of all this account amounteth unto two Millions, or Twenty hundred thousand pounds *per Annum*: Suppose it be but one Million and a Half, as assuredly your Majesty may make by these courses set down, yet it is much more then I promised in my Letter for your Majesties service. Besides, some sums of mony in present, by the courses following: *Imprimis*, By the Prince's Marriage, to make all the Earls in *England* Grandees of *Spain*, and *Principi*, with such like priviledges, and to pay twenty thousand pounds apiece for it. 2. As also, if you make them Foeditaries of the Towns belonging to their Earldoms, if they will pay for it besides, as they do to the King of *Spain* in the Kingdom of *Naples*. And so likewise Barons to be made Earls and Peers, to pay ninteen thousand pounds a piece, I think might yield five hundred thousand pounds, and oblige them more sure to his Majesty. 3. To make choice of two hundred of the richest men of *England* in estate, that be not Noble-men, and make them Titulate, as is used in *Naples*, and paying for it; that is, a Duke thirty thousand pounds, a Marquis fifteen thousand pounds, an Earl ten thousand pounds, and a Baron or Viscount five thousand pounds. It is to be understood, that the antient Nobility of Barons made Earls, are to precede these as Peers, though these be made Marquesses or Dukes; this may raise a Million of pounds and more unto your Majesty. To make Gentlemen of low quality, and Francklines, and rich Farmers, Esquires, to precede them, would yield your Majesty also a great sum of mony in present. I know another course to yield your Majesty at least three hundred thousand pounds in mony, which as yet the time serveth not to discover, untill your Majesty be resolved to proceed in some of the former courses, which till then I omit. Other courses also that may make present mony I shall study for your Majestie's service, and, as I find them out, acquaint you withall. Lastly, to conclude all these discourses, by the application of this course used for your profit, That it is not onely the means to make you the richest King that ever *England* had, but also the safety augmented thereby to be most secure, besides what shewed in the first part of this Discourse; I mean, by the occasion of this Taxation, and raising of monies, your Majesty shall have cause and means to imploy in all places of the Land so many Officers and Ministers, to be obliged to you for their own good and interest, as nothing can be attempted against your Person or Royall State over land, but some of them shall in all probability have means to find it out, and hinder it. Besides, this course will detect many disorders and abuses in the publick Government, which were hard to be discovered by men indifferent. To prohibite gorgeous and costly apparell to be worn, but by persons of good quality, shall save the Gentry of the Kingdom much more mony, then they shall be taxed to pay unto your Majesty. Thus withall I take my leave, and kiss your gratious hands, desiring pardon for my error I may commit herein.

A At the Prince his marriage to make Earls in *Principi*, & to pay for it.

B And Barons to be made Earls.

C To make 200 rich men Titulate, and they to pay for the Titles.

D To make Gentlemen of low quality, and rich Farmers, Esquires.

E

F

Pasc. 5. *Caroli Regis.* B. R.

The Reports of the following Arguments were taken by Mr. *Widdrington* of *Gray's-Inn.*

Mr. *Stroud* Esq; brought to the Kings-Bench-Bar, upon a *Habeas Corpus.*;

UPon the Habeas Corpus out of this Court, to bring here the body of one William Stroud Esq; with the cause of his imprisonment, to the Marshall of the Kings Bench, it was returned in this manner: That William Stroud Esq; was committed under my custody, by vertue of a certain Warrant under the hands of twelve Lords of the Privy Council of the Lord the King; the tenour of which Warrant followeth in these words.

You are to take knowledge, that it is his Majesties expresse pleasure and commandment, that you take into your custody the body of William Stroud Esq; and keep him close prisoner, untill you shall receive other order, either from his Majesty, or this Board; for so doing this shall be your Warrant. Dated the 2d of April, 1629. And the direction thereof was, To the Marshall of the King's Bench, or his Deputy. He is likewise held in prison by vertue of a certain Warrant, under the hand of the King himself, the tenour of which Warrant followeth in these words. *Carolus Rex.* Whereas you have in your custody the body of William Stroud Esq; committed by the Lords of Our Privy Council, by Our speciall command, you are to take notice, that his commitment was for notable contempts by him committed against Our Self, and Our Government, and for stirring up of Sedition against Us: for which you are to detain him in your custody, and keep him close prisoner, untill Our pleasure be further known concerning his deliverance. Given at Greenwich the 7th of May, 1629. in the 5th year of Our Reigne. And the direction was, To Our Marshall for Our Bench for the time being. And these are the causes of the taking and detaining of the foresaid William Stroud, &c.

Also *Walter Long* Esq;.

And upon another Habeas Corpus to the Marshal of the Houshold, to have the body of Walter Long Esq; he made the same Return as above.

Ask of the Inner Temple, of Counsell with Mr. Stroud, moved, That the Return was insufficient. The Return consists upon two Warrants, bearing severall Dates, which are the causes of the taking and detaining of the Prisoner. For the first Warrant, which is of the Lords of the Council, that is insufficient; because no cause is shewn of his commitment, which is expresly against the resolution of the Parliament, and their Petition of Right in the time of this King which now is, to which he had the royall given his assent; so his taking by vertue of the last Warrant, is wrongfull. And for the second Warrant, it is insufficient also; and that notwithstanding that it be the Kings own; for, the King himself cannot imprison any man, as our Books are, to wit, 16 H. 6. F. Monstrance de faits. 1 H. 7. 4. Hussey reports it to be the opinion of Markham, in the time of Edw. 4. and Fortescue in his Book, de laudibus Legum Angliæ, cap. 18. And the reason given is, because no action of false imprisonment lies against the King if the Imprisonment be wrongfull; and the King cannot be a wrong doer. The Statute of Magna Charta is, That no free-man be imprison-

imprisoned, but by the Law of the Land. And it appears by these Books, that it is against the Law of the Land that the King should imprison any one.

2. Admit that this be onely a signification and notification given by the King himself of the commitment of the prisoner; yet it seems, that that signification is of no force, Because the words are general & uncertain, —for notable contempts— There are in the Law many contempts of severall natures; there are contempts against the Common law, against the Statute-law; contempts in words, gestures, & actions. And it appears not to the Court of what nature these contempts were. —Notable— Every contempt which is made to the King is notable. —Against Our Government— Contempt which is committed in a Court of Record or Chancery, is a contempt against the Government of the King, to wit, because they disobey the King when he commands them by his Writs, C. 8. 60. a. Beechers case. The last words of the Return are, —For stirring up of sedition against Us— which words likewise are indefinite and generall. I find not the word [Sedition] in our Books, but taken adjectively, as, seditious books, seditious newes, &c. in the Statute of 1st. and 2d. of Phil. and Mary, cap. 3. the words are, If any person shall be convicted, &c. for speaking, &c. any false, seditious, or slanderous newes, saying of the rayles of the Queen, &c. he shall lose his ears, or pay 100l. There the penalty imposed upon such Sedition is but a Fine, C. 4. Lord Cromwell's case 13. where Sedition is defined to be *seorsum itio*, when a man takes a course of his own. And there it is said, that the words, —maintain sedition against the Queen's proceedings— shall be expounded according to the coherence of all the words, and the intent of the parties. So that it is plain, that there is a sedition that is onely finable, and which is no cause of imprisonment without bail: And what the sedition is that is here intended, cannot be gathered out of the words, they are so generall. —against Us— those words are redundant, for every sedition is against the King.

Upon the generality and incertainty of all the words in the Return, he put these cases, 18. E. 3. A man was indicted, quia furatus est equum, and doth not say Felonic', and therefore ill, 29. ass. 45. A man was indicted that he was communis latro, and the indictment held vitious, because too generall. So here, the offences are returned generally. But there ought to be something individuall, C. 5. 57. Specot's case, quia schismaticus inveteratus, is no good cause for the Bishop to refuse a Clerk, for it is too generall, and there are schisms of divers kinds, 38. E. 3. 2. Because the Clerk is criminosus, it is no good cause for the Bishop to refuse him, 8 and 9 Eliz. Dy. 254. The Bishop of N. refuseth one, because he was a haunter of Taverns, &c. for which, and divers other crimes, he was unfit, held that the last words are too generall and incertain, 40 E. 3. 6. In the tender of a marriage, and refusall of the heir, he ought to alledge a certain cause of refusall, whereupon issue may be taken. C. 8. 68. Trollop's case, to say, That the Plaintiff is excommunicated for divers contumacies, shall not disable him, without shewing some cause in speciall of the excommunication, upon which the Court may judge whether it were just or no. So here. And be concluded with a case that was resolved, Hill. 33 Eliz. Peak and Paul the Defendants said of the Plaintiff, Thou art a pestilent and seditious

seditious man, and maintains sedition against the Queen; and the words actionable or not actionable.

Mr. *Mason* of *Lincolns-Inn*, his Argument for Mr. *Long*.

Mason of Lincolns-Inne, of Counsell with Mr. Long, moved also, that the words was insufficient. For the first collorant, that he was [illegible] by command of the King, signified by the Privy Councell, [illegible] not agree that, because it was claimed as an ancient right, per- [illegible] the Grand Jury, by Petition of Right, whereto the King [illegible] gave his answer. For the second collorant, the Queen [illegible] for stirring up sedition against Us and Our Government. A

Sedition is not any determined offence within our Law; our Law [illegible] by declarations of other offences, to wit, of Treason, [illegible] Felony, &c. but there is no name in our Law called Sedition, [illegible] is termed by a Civilian to be Seditio, or Secessio, cum pari rei- publicæ contra patrem suum regis: so that sedition is nothing but division. B

Sedition saith Glanvill hath the word [Seditio] generally. Before the Statute of 25 E. 3. chapt. 2. it was not clear enough what thing was Treason, which now by that Statute it is declared what shall be said Treason, and that the Judges shall not declare any thing to be Trea- son, that is not contained within the said Statute, but it shall be de- clared over by Parliament. And that Statute speaks not of Sedition, nor the Statute of 1 H. 4. chap. 10. which makes some things Trea- son, which are not contained within the said Statute of 25 E. 3. The Statute of 1 E. 6. chap. 12. takes away all intervenient Statutes, whereby declared new Treasons; and the said Act declares other things to be Treason, but mentions not Sedition. Sedition is the quality of an offence, and is sometimes taken Adverbially or Adjectively. To raise C rumours or trespasses is sedition, Trin. 21. E. 3. rot. 23. B. R. Gar. Bart's case, A man was maimed, because in the high street he took I. S. there, being in bonne manner, and usurped over him topall power, which is manifest sedition; and there it was but an indictment of trespasse. Mich. 20. E. 1. rot. 27. One that was Purveyor of the Kings-house for the King, was indicted for stealing of timber, and de- taining wages, (ridding Carpenters wages) by one that was but a boy; and here is there feacned Sedition, and yet it was but a petty D felony. Mich. 42. E. 3. rot. 65. B. R. R. Pope was appealed by the wife of I. S. because he feloniously and seditiously murdered I. S. and [seditiously] was there put in, because it was done petitly. By which cases it appears, that sedition is not taken as a Substantive, so that it may be applyed to treason, trespasse, or other offences. By the Statute of 21. R. 2. chap. 15. there is punishment inflicted for the railing of seditious words, and yet no punishment could have been inflicted for it until the said Statute, & yet it was seditious, as well before the said Statute as after. Sedition appears also by the Statute of 1 and 2 of Phil. and Mar. chap. 3. which hath been cited. The Statute 13 Eliz. chap. 2. names, that divers seditious and evill disposed persons, &c. detain- ed bulles of excommunication from the Pope, which offence was made treason by the said Statute, (for it was not before, and yet there was sedition) and by the said Statute, the abbets and abettors are but in the case of Premunire. By the Statute of 13. Eliz. chap. 1. for the reuniting of rebellious and seditious Subjects to the Crown, it is enacted by the said Statute, That he that shall declare the Succession of the

the King, shall forfeit the profits of his goods, &c. So that the Law of Nature, although it be seditious, is not treason by the Common Law, nor is made treason by the Statute of 25 E. 3. nor by the Statute of 13 Eliz. By the Statute of 23 Eliz. chap. 2. he that becomes seditious or Undermines unto or the Queen, shall lose his ears, or pay 200 l. and the second offence is made Felony. The Statute of 35 Eliz. chap. 1. [Seditious Lewdous Sermons], which assent themselves from the Church, shall go to be punished 10 l. by the month. But of all these Statutes it may be collected, that the word [Sedition] is taken particularly, according to the matter in hand. And C. J. Lord Cromwell's case [Seditious] is referred to doctrine. There are offences more high in their nature than treason, which were not treason, untill declared by Act of Parliament. Every treasonous act is treason, yet if such Acts be not within the Statute of 25 Ed. 3. they are not treason. 17 R. 2. chap. 8. Imprisonment of Judges and others is not made treason, which proves that before this Act it was not treason. And this Act of 17 R. 2. is repealed by the Statute of 1 H. 4. By the Statute of 3 and 4 E. 6. chap. 5. to assemble people to alter the Lawes, is made treason, if they continue together an hour after Proclamation made. This Assembly of people was treason at the Common Law; and the very Assembly, if they after disperse upon Proclamation made, is not treason by the said Statute. By the Statute of 14 Eliz. chap. 1. it is made Felony maliciously and rebellously to hold from the Queen any Castles, &c. but because this relates not to the Statute of 25 E. 3. it is not treason. 2. It seems clearly, that this Case is within the Petition of Right, in which Magna Charta, and the Statutes of 25. and 28 E. 3. are recited. The Grievance there was, That divers have been imprisoned without any cause shewed, to which they might make answer according to the Law. And upon this Return, nothing appears to be objected to which he might answer. It appears not what that Act, which is called Sedition, was. This is the very Grief intended to be remedied by this Statute: To this he cannot answer according to Law. It appears not whether this were a seditious Act, treasonable, or slander, or what it was at all. The words are, — Sedition against the King — This helps not, for every offence is against the King, against his Crown and dignity; that which publishes the Commonwealth is against the King, seditious doctrine is rebellion against the King, as is before said. In 28 H. 6. vide Postrat. fol. 19. the Lords and Commons deliver the King, that William de la Pool may be committed for divers treasons, and sundry other heinous crimes; and the Petition held not good, because too generall: Unless they exhibit particular Articles against him. And therefore upon the whole matter he concluded and prayed, that Mr. Long might be discharged from his imprisonment.

Serjeant *Barckley* his Argument against *Stroud* and *Long*.

The same day, Barckley and Davenport, the Kings Serjeants, argued for the King, That this Return was sufficient in Law to detain them in prison. Barckley began, and said, That the case is new, and of great weight and consequence, and yet under favour, the Prerogative of the King, and the liberty of the Subject, are not mainly touched therein; for the case is not so generall as it hath been made, but particular upon this particular Return. The liberty of the Subject is

a tender point, the right whereof is great, just, and inviolable. The prerogative of the King is an high point, to which every subject ought to submit. I intend not to make any discourse of the one or the other; I will only remember what the King hath determined upon them both, in his speech which he made upon the Petition of right, to wit, That the People's liberties strengthen the Kings prerogative, and that the King's prerogative is to defend the People's liberties. The way whereby I intend to treat in my Argument, is, to answer to the objections and reasons which have been made, and to give some reasons, whereby this question shall be resolved.

The objections which have been made are reducible to four heads.

1. By what the prisoner here shall be said to be committed and detained.

2. That this Commitment is against the Petition of right.

3. That the cause which is here returned, is generall and uncertain.

4. That the offences mentioned in the Return are but finable, and therefore notwithstanding them the party is bailable.

For the first, it hath been granted, that the commitment here was by the Lords of the Privy Council, and the signification of this cause is by the King himself. But I say, that there is a further matter in the return; for the Lords of the Council do it by the command of the King, and they only pursue this command. I will not dispute, whether the Lords of the Council have power to commit an offender or no; it is common in experience, 33 H. 6. 28. Poigne's case is expresse in it. And in the Petition of right it is admitted, that they may commit. And this is not alledged there for a grievance, but the grievance there was, because the particular charge of commitment was not shewen. Some Books have been objected to prove, that the King, though in person, cannot commit any person, 16 H. 6. F. Monstrance de faits 182. But the authority of that Book vanisheth, if the case be put at large, which was in trespasse for cutting of Trees. The Defendant said, That the place where, &c. is parcell of the Mannor of D. whereof the King is seised in Fee, and the King commands us to cut. And the opinion of the Court was, that this is no plea, without shewing a particular of the command of the King. And there the whole Court saies, That if the King command me to arrest a man, whereby I arrest him, he shall have trespasse or imprisonment against me, although it be done in the presence of the King. That the following words are to be understood, as the principal case was of one command of the King by word, and then such command by word to arrest a man is void. And 1 H. 7. 4. was objected, Hussey saies, that Markham said to King Edw. 4. that he cannot arrest a man for suspition of Treason or Felony, because if he do wrong, the party cannot have his action. To this I say, That the Book there is to be understood of a wrongfull arrest, for there is spoken of an action of false imprisonment; and a wrongfull arrest cannot be made by the King.

2. It stands not with the dignity of the King to arrest any man; C. 4. 71. The King makes a Lease for years, rendring rent, with condition of re-entry for non-payment; he shall take advantage of the condition without any demand, and the reason there given, is, that a decorum and conveniency might be observed. So it is not befitting for the King

in

in perſon to arreſt any man, but the King may command another to do it. Bracton lib. 2. de acquirendo rerum Dominio, fol. 55. ſayes, That the Crown of the King is to do juſtice and judgment, and facere pacem, without which, the Crown it ſelf cannot ſubſiſt. Severall conſtructions are to be made upon thoſe ſeverall words, — and the laſt words — facere pacem — imply, that the King hath a coercive power. Britton f. 1. amongſt the Errata. The King ſaid in perſon, Becauſe we are not ſufficient in perſon to do every thing, we divide the charge into many parts. We are the peoples Juſtice, and a Juſtice implies one that hath power to do juſtice in every kind, to wit, by impriſonment, or other wiſe. 20 H. 7. 7. C. 11. 85. it is ſaid, That the King is the chief Juſtice. And Lambert in his Juſtice of Peace, fol. 3. ſaies, That in antient Hiſtories, the chief Juſtice of England is called, Capitalis Juſticia & Prima Juſticia, after the King, in England. So that the King hath the ſame power of Juſtice, as the Chief Juſtice had. This impriſonment here, which is before conviction for any offence, is not uſed towards the Subject as impriſonment for any fault, but is rather an arreſt or reſtraint to avoid further inconveniences. 14 H. 7. 8. A Juſtice of Peace may arreſt men riotouſly aſſembled, for prevention of further miſchief. And the Book alſo ſaies, That he may leave his ſervants there to arreſt men, for ſafeguard of the peace. It is a caſe well known, that if a houſe be ſet on fire, every man may pull down the next houſe, for prevention of greater miſchief; ſo it ſeems concerning the Incendiaries of the State, they ought to be reſtrained and ſuppreſt, leſt others ſhould be ſtirred up by them to the ſame combuſtion. 22 aſſ. 56. and 22 E. 4. 45. in falſe impriſonment the Defendant juſtifies, becauſe the Plaintiff was mad and out of his wits, and that he had done ſome harm, and that he had bound and beat him to avoid further harm, which might have happened by his madneſſe: And the juſtification was held good. So it is in matter of Government, to avoid commotions, the King ought to uſe his coercive power againſt thoſe that are enraged. The objection was, that this courſe was againſt the Petition of Right. But I anſwer, That this caſe is out of the words of that Petition; the words of the Petition were, ... Whereas by the Statute called, The great Charter, and by the Statute of 28 E. 3. no free-man may be taken or impriſoned ... yet againſt the tenour of the ſaid Statute, &c. divers of your ſubjects have of late been impriſoned, without any cauſe ſhewed; and when for their deliverance, &c. they were brought before the Juſtices by Writs of Habeas corpus, there to undergo and receive as the Court ſhould order, and their keepers commanded to certifie the cauſe of their detainer, no cauſe was certified, but that they were detained by your Majeſties ſpeciall command, ſignified by the Lords of your Council; and yet were returned back to ſeverall priſons, without being charged with any thing to which they might make anſwer according to Law. Theſe laſt words are obſervable, — Without being charged with any thing, to which they might make anſwer — Theſe words do not refer to the return of the Habeas Corpus, for the cauſe returned thereon cannot be diſcuſſed, 9 H. 6. 54. but the Court took it as true. But the ſetting forth of the cauſe, and the anſwer to the ſame cauſe, is to be upon other proceedings, to wit, upon the indictment for the offence, or otherwiſe. And there is great difference between the return of a Writ to which a man may anſwer

ſwer, and the return of an Habeas corpus. 10 E. 4. & 3 H. 7. 11. are, that if the Sheriff return Reſcous, all certainties of every circumſtance ought to be ſhewed, becauſe it is fitting, that a thing certain be brought into judgment. And upon ſhewing of the grievance, as above, the Petition is, that no free-man, in any ſuch manner as before is mentioned, be impriſoned or detained, (ſuch) and it hath relation to ſuch impriſonment, which is mentioned in the premiſes. And impriſonment mentioned in the premiſes of the Petition is, where no cauſe at all was mentioned; then where any cauſe is ſhewed, is out of the Petition, and that [ſuch] is the word relative, appears by C. 11, 62. where many caſes are put to the ſame purpoſe; which ſee. A

The third obiection was, That the Return was generall and uncertain. The Counſell on the other ſide had divided the words of the Return, but that is to offer violence thereunto; for an expoſition ſhall not be made by fractions, but upon the whole matter. For the firſt words, —notable contempts— It hath been ſaid, that the addition of the word [notable] is but to make a flourith: But I ſay, That [notable] is not the emphaſis of the Return, but it onely expreſſeth the nature of the offence; and yet [notable] is a word obſervable by it ſelf in the Law, and implies, that the thing is known and noted. By 27 E. 1. Sheriffs ſhall be puniſhed, that let notorious offenders to bayl; and by the Statute of 4 H. 4. chap. 5. a notorious or common thief ſhall not make his purgation: and 26 E. 3. 71. in a treſpaſſe for falſe impriſonment, the Defendant ſaid; That the Plaintiff came into the Town of Huntington, and becauſe he was ſeen in the company of R. de Thorby, who was a notorious thief, he, as Bailiff of Huntington, took him upon ſuſpition. I confeſſe, that —for contempts— is generall, yea it is genus generaliſſimum, and within the Petition of Right; but the words are, —againſt Our Self—: It hath been ſaid, That this might be by irreverent words or geſtures. —and Our Government— It hath been ſaid, that this might be by contempt to the Kings Writ, or by Retraxit, as Beechers caſe is. To this I anſwer, That thoſe words which are ſpoken to one purpoſe, ought not to be wreſted to another; and this is againſt the common meaning of the words, C. 4. Thou art a murderer, the Defendant ſhall not afterwards explain it to be a murderer of Hares, for the higheſt murder is intended. So here, the higheſt Government is intended. B C D

4. It hath been obiected, that —for ſtirring up of ſedition againſt Us— may perhaps be but an offence finable: But thoſe words joyned with the former words, ſhew this to be an offence of the higheſt nature; ſedition is a ſpeciall contempt. And although ſedition in it ſelf may be but a generall offence, yet here it is —Sedition againſt Us and Our Government—, which makes it particular. It hath been reaſoned by one that argued on the other ſide, that there is a generall in a particular. C. 4. Hollands caſe, there is the moſt generall, and there is generall in particular, as the State Eccleſiaſticall. There is more particular, as Colledges, Deans, and Chapters. This being in a caſe of Return upon Habeas Corpus, no preciſe certainty is required. In an Indictment, a certainty of all circumſtances is requiſite; in Pleading, a certainty is required; in Count's, a more preciſe certainty; in Barrs, a certainty to a common intent is enough. There is not ſuch preciſe certainty E F

tainty required here as in Indictment or Count, because the party ought to answer unto them; not so much certainty is required in this as in a Bar. And the Return is not uncertain; for, as it is said in Plowden, 202. and 193. a thing is uncertain, where it may be taken indifferently, one way or the other. But where the intendment the one way exceeds the intendment the other way, it is not uncertain, as it is here. The words are, —for notable contempts against Us and Our Government, & for stirring up of sedition against Us— Here is certainty of intendment one way. There are many Writs which are more uncertain than this Return here is, & yet good. The Writ concerning the taking of an Apostate is general, Quod spreto habitu Ordinis; and yet there are more sorts of Apostates. In the Writ concerning the amoving of a Leper, the words are generall, and yet it appears by F. N. B. that there are two kinds of Lepers, one outward, and the other inward; and for the latter the Writ concerning amoving a Leper. So the Writs concerning the burning of an Heretick, and concerning the examining of an Idiot, are general, and yet there are sundry kinds of Heretiks and Idiots also. But it hath been objected, that [Sedition] is not a Law-term nor known in the Law, of which the Judges can take no notice; but the words to expresse offences of this nature, are, Murder, Treason, Felony, &c. and that no Indictment of Sedition generally was ever seen. To this I answer, Perhaps it is true, that no Indictment was ever seen made, because the form of an Indictment is precise, words of art are required therein, as appears in Dyer 69. 261. C. 4. Vaux's case; yet in 5 E. 6. Dyer. 69. it is said, that Furatus implies Felonicè cepit, although the contrary hath been objected. In a Return, words by Periphrasis are sufficient. The Warrant of a Justice of Peace to apprehend I. S. because of prepensed malice, interfecit I. D. is good enough, although there wants the word murdravit. In 5 R. 2. F. tryal 54. Belknap saies, That a miscreant shall forfeit his land. Out of which it may be gathered, that a man may be Indicted for miscreancy. And it seems likewise, that an Indictment of sedition may be good, for in some cases it is Treason. I agree, Peaks case, which hath been objected, that for these words, [seditious fellow] no action lies, and so is C. 4. 19. b. because those words do not import an act to be done, but onely an inclination to do it, but if a man say such words of another, which import that he hath made sedition, they are actionable, as it was resolved in Phillips & Badby's case, 24 Eliz. C. 4. 19. a. Thou hast made a seditious Sermon, and moved the people to sedition this day, adjudged actionable. So in the Lord Cromwells, C. 4. 12, 13. the action should have lain for those words, You like of those that maintain sedition against the Queens proceedings, if there had not been another matter in the case. I agree, the case of 21 E. 3. Sir John Garboyls case, & 42 E. 3. for in those cases, sedition was only taken adjectively, and shewes an inclination onely to do a seditious act, & in such sense sedition may be applyed to other offences then treason. In 31 E. 1. f. gard. 157. Gardein in Socage made feoffment of land which he had in ward. This is forfeiture, saies the Book, for the treason which he did to the ward; so there, one thing is called treason, which is onely a breach of trust. In an appeal of Mayhem, it is felonicè, and yet 6 H. 7. 1. it is not felony: But felony is there onely put to expresse the haynousnesse

of the offence, is it, as it were, a felony. The Statutes of 2 H. 4. 1 Mar. 13 Eliz. 35 Eliz. 17 R. 2. 3. & 4 E. 6. 14 Eliz. which have been objected, have the words [sedition] but not applicable to this case. Bracton in his Book, de Corona, saith, Si quis, &c. If any by salty attempt pleasing the Kings wrath, should act, or make any to act, to the sedition of the Land the King, or of his Army, is in mention. And Glanvil, in many words, saies, That to do any thing in sedition of the Kingdom, or of the Army, is high-treason. And Britton, fol. 16. It is high treason to A
[illegible] the King of the Realm, and sedition towards the inheritance of the King, &c. as it hath been said. Seditio est quasi seorsum-itio, when any people are [illegible] from the King: or it is, Seperans à ditione, when the people are withdrawn from the power of the King. And in this sense, Sedition is no Stranger in our Law; and every sedition wherby severs the people from the King is Treason.

But it hath been observed, that by the Statute of 25 E. 3. the Parliament ought only to determine what is treason, what not. To this I answer, That upon the said Statute, the putative Law had always made application, and expolition, Br. treason 24. the words are, Compasse or imagine the death of the King; and there it is taken, that he that maliciously intending how the King may come to death, by words, or otherwise, and does an act to explain it, as, in alleging hastily, this is treason, 13 Eliz. Dy. 298. Doctor Story's case, he being beyond sea, practised with a forreign Prince to invade the Realm, and held treason, because intention is to the perill of the Prince, and so within the Statute of 25 E. 3. 4 Mar. Dy. 144. The taking of the Castle of Scarborough was treason by Stanford, by 30. ass. p. 19. which time presently after the making of the Statute of 25 E. 3. It must ought to have been hanged and drawn, that brought Letters of Excommunement from the Pope; and publisher them in England: And it is to be noted, that at the same time, there was no Statute to make it treason, but upon confirmation of the said Statute of 25 E. 3. though now it be made treason by the Statute of 13 Eliz. it is only intention to [illegible] Forreign Prince. Perhaps the sedition mentioned in this Statute is high treason, and yet the King may make it an offence greater, so he may pardon the offence in what course he pleases; and if it be treason, then the prisoners are not bayleable, by the Statutes of Westm. 1. 2. but if it be but a pardonable offence, yet by the said Statute, their wages are lengthened for; open and notorious malefactors shall not be bayled; the same malefactors is there intended high and exorbitant offences? E

2. It is fit to reteine the prisoners of their liberty, that the Commons should be not hindered. It is lawfull to pull down a house, to prevent the spreading, violence of fire; it is lawfull to restrain a furious man. And by the 14 H. 7. a Justice of peace may restrain any rout. Then the restraint of dangerous men to the Common-wealth is reasonable and necessary. 24 E. 3. 33. p. 25. Sir Thomas Figet menis arrested in the morning, bodily thus [illegible] of the Kings Councell; wherefore he was taken and F
[illegible] before the chief Justice, sent to and committed to the prison, and by reason not be bayled till the King knew his pleasure; and yet it was shewed, that the King of F. threatned him. One of which case I collecte two things: First, that the Judge of this Court did cause a man to be apprehended, upon complaint made to the

Com-

Councll, that is, to the Lords of the Privy Councill. 2. That although he did nothing, he is not mayn-pernable untill the King sent his pleasure, because he was armed and furiously disposed. So here. Wherefore I pray, that the Prisoners may be sent back again.

Davenport argued to the same intent and purpose, and therefore I will report his Argument briefly.

Serjeant Davenport's Argument against Stroud and Long

A 1. He said, That the Return here is sufficient. The Counsell on the other side have made fractions of this Return, and divided it into severall parts, whereas the genuine construction ought to have been made upon the entire Return; for no violence ought to be offered to the Text. 7 E. 4. 20. In false imprisonment the Defendant did plead, and alledged severall reasons of his justification; to wit, because a man was killed, and that this was in the County of S. and that the common voice and fame was, that the Plaintiff was culpable. And this was B held a good plea, although Bryan did there object, That the plea was double or treble; and the reason was, because twenty causes of suspition make but one entire cause; and individible unity in this ought not to be divided. So C. 8. 66. Crogates. In an action of trespasse, the Defendant justifies for severall causes, and held good, because upon the matter, all of them make but one cause. C. 8. 117. It is said, That it is an unjust thing, unlesse the whole Law be looked into, to judge and answer, by propounding any one particular thereof; and if it be unjust in the exposition of a Law, it is unskill in a Return to make fractions of it, in the construction thereof especially, it being a Return for C Information, and not for Accusation.

2. Although the Counsell on the other side have taken this case to be within the Petition of Right, yet this is Petitio principii, to take that for granted which is the question in debate. He said, That he would not offer violence to the Petition of Right, to which the King had assented, and which shall really be performed. But the question here is, whether D this Return be within it: and the Judges are keepers, not masters of this pledge; and it seems, that this Return is out of the letter and meaning of the said Statute.

3. He said, That this was the actuall commitment of the Lords of the Privy Councill, and the habituall or virtuall commitment of the King. But because upon these two matters he put no case, nor gave any reason, but what had been put or given in the Argument of the E grand Habeas corpus, Mich. 3 Caroli. and after Marks in the House of Commons, which was reported to the Lords in the painted Chamber, (all which Arguments I heard) I have here omitted them. And for the great respect which the Law gives to the commands of the King, he put these cases, 7 H. 3. Attachment of waste against the Tenant in Dower, and the waste was assigned in the taking of fish out of a pond, and the carrying them away. The Defendant pleaded, That her second husband, by the command of the Lord the King, took all the fish out of the said pond to the use of the Lord the King, F and held a good justification; which proves, that the command of the King there to her husband excused her of the said waste. And yet it is clear, that Tenant in Dower is liable to an action of waste, for waste done in the time of her second husband: But contrary is it, where a woman is Tenant for life, and took a husband, who made waste and

bred, no action lies against the wife for that waste. And F. N. B. 17. A. If the Tenant in precipe in the grand cape makes default, the king may send a writ to the Justices, recreating that he was in his service, &c. commanding them that that default be not prejudicial to him; and this command of the King excuseth his default, be the cause true or no.

4. For the particulars of the Return, it is —— for notable contempts against the Government —— But as to that it hath been said, that the King hath sundry governments, to wit, Ecclesiastical, Politicall, &c. and it is not known against which of them. This is but a general exception; they might as well have excepted to this Return, because it is not the word, that these contempts were after the last generall pardon; that had been a better exception. The last words of the Return are, ——raising sedition against Us——. But as to this it hath been said, that Sedition is not a word known in the Law, and is sometimes taken for Misdemeanor or Misdemeasance, and is not a Substantive. To this he said, that although it is not a Substantive for the punishment, yet it is a Substantive for the destruction of a Kingdom. And he said, that he found the word [Seditio] in the Law, and the consequent of it somewhile, which is, seductio populi. But it is not ever found to be raised in a good sense; it is alwaies raised and coupled with treason, rebellion, insurrection, or such like, as it appears by all those Statutes which have been remembred on the other side. Therefore he prayed likewise, that the Prisoners might be sent back.

Trin. 5 Car. B. R.

Mr. *Littleton's* Argument for Mr. *Selden*.

The first day of the Term, upon Habeas Corpus to Sir Allen Apsley the Lieutenant of the Tower, to bring here the body of John Selden Esq; with the cause of detention. He returned the same cause as above; and Littleton, of Counsell with him, moved, that the Return was insufficient in substance; therefore he prayed, that he might be bayled. It is true, that it is of great consequence, both to the Crown of the King, and to the liberty of the Subject. But, under favour, for the difficulty of Law contained in it, the case cannot be said Grand. In my Argument, I will offer nothing to the Court, but that which I have seen with these eyes, and that which in my understanding (which is much subject to mistakes) can receive no sufficient answer.

I will devide my argument into foure severall heads.

1. To point out those matters which I think unnecessary, and not conducible to the matter in question.

2. I will consider the warrant of the Privy Councill in this case.

3. The warrant of the King himself.

4. The objections which have been made by the contrary side, the strength of them, and give an answer to them.

For the first of these heads, 1. I will admit, that the King may commit a man. 2. That a man committed by the King is not replevisable by the Sheriff, but he is baylable by this Court, notwithstanding the Statute of Westm. 1 C. 15. And that he shall not be baylable, is against the Petition of Right; I will

will not dispute it, for it is established by the Answer of the King to the said Petition. And the Arguments made to this purpose in the said Parliament, and in the Painted Chamber before both the Houses, are recorded in Parliament, to which every one may resort. But I will lay as a ground of my following Argument, that as offences are of two natures, Capitall, or as Trespasses; so they are punished in two manners, to wit, Capitally, or by fine or Imprisonment. For the offences of the first nature, as Treasons, and the like, imprisonment is imposed upon the offender, onely for Custody; but for misdemeanors of the second nature, imprisonment is imposed upon him for a Punishment. Then this is my ground, That no freeman that is imprisoned, onely for misdemeanours before conviction, may be detained in prison without bayle, if it be offered, unless it be in some particular cases, in which the contrary is ordained by any particular Statute.

2. For the Warrant of the Privy Councill, which signifies the pleasure of the King to commit the prisoner; perhaps this was a good ground of the commitment, but it is no ground for the detaining of the prisoner without bail; and this the King himself hath acknowledged as the antient Right of the Subject in the Petition of Right, wherefore it is not now to be disputed.

3. For the Warrant of the King, as it is certified by this Return, there is not any sufficient cause contained within it, for the detaining of the prisoner in prison; for the Law being, as I have declared above, that for a misdemeanour, before conviction, no freeman may be imprisoned before conviction, without bayl or mainprize, The sole question now is, If this Return contain within it any capitall offence; or if onely a trespasse or misdemeanour, and then the party is baylable: And for the disquisition hereof, I will consider the Return, 1. As it is divided in severall parts; 2. I will consider all those parts of it together. 1. As it is severed in parts. The first part of it, [for notable contempts by him committed against Our Self and Our Government] For [contempts] all contempts are against the King, mediately or immediately, and against his Government. [Notable] this is all one with notorious and manifest, as appears by the Statute of Westm. 1 chap. 15. and 26 E. 3. 7. which hath been remembered. And [Notable] is but an emphaticall expression of the nature of the thing, and alters it not. [Against Us] All riots, routs, batteries, and trespasses, are against us, and against Our Crown and Dignity; contempt against any Court of Justice, is a contempt against us. But if the Return were made here, that he was committed for a contempt made in Chancery, the party shall be bailed, as it was resolved in this Court in Michael Apsley's case, and in Russel's case, 13 Jac. for the Return is too generall. C. 11. 98. But it, the nature of the offence ought to be expressed, that the Court may judge thereof. And [contempts] here is individuum vagum; therefore for them, before conviction, the party cannot be imprisoned without bayl or mainprize.

The second part of the Return is, [And for stirring up of sedition against Us] The other side say, that [Seditio] is ever taken in the worst sense. That is true. But hence it followes not, that the party that commits it is not baylable. Every small offence is taken in the worst sense, as the stealing of an Apple, and the like; but such kind of of-

offendors shall not be committed without bayl. To examine the nature of this offence, which is called [Sedition] it ought to be understood, as this Return is, either as Trespasse, or as high Treason, for it cannot be intended to be petty-treason, for, petty-treason is so called, in respect of the offence done to any particular subject; but in respect of the King, it is but as a felony, therefore the Indictments for the same are, Feloniously and traiterously. And here the words are, —sedition against Us— so of necessity it ought to be intended of an offence, that more immediately concerns the King. For the discussing of this matter, First, I will consider in what sense and signification this word [Seditio] is used. 2. How it shall be expounded here by the relation thereof to the King. 3. What sense these words [against Us] shall have here. A

1. For Sedition; it is not found in the division of offences in our Law, but as it is mingled and coupled with other offences. No Indictment of Sedition onely was ever seen, nor can be shewen; routs, riots, and unlawfull assemblies, are much of the same nature with it, and do well expresse the nature of Sedition. The English word is drawn from the word [Seditio] in Latine, and the derivation of it is, as hath been observed, Se-itio, or, Seorsum-itio; and the seditious (as one saies) take a diversion, and many others: It is used in the Bible, in Poets, Historyes, and Orators, for a tumult, or hurly-burly, or uproare, or confused noise, — Seditioque recens dubioque susurro, in Liv. lib. 2. cap. 44. And in Tacitus it is taken for mutiny in an Army, when the Army is alwaies repining at the Captain. In the Italian Language, which is the elder son of Latine, sedition and discord is all one. Numb. cap. 20. 3. the Latine Translation is, Versi in seditione; the English is, chode, or murmured. Numb. 26. 9. the Latine is, In seditione Corah; the English is, In the company of Corah. Numb. 27. 3. the Latine is, Nec fuit in seditione eorum; the English is, In the company or assembly of them. Judg. 12. 1. the Latine Translation is, Facta est ergo seditio in Ephraim; the English Translation is, The men of Ephraim gathered themselves together. In the New Testament, Act. 19. 40. Seditio in the Latine is translated uprore, or meeting. Act. 15. 2. Facta est ergo seditio, &c. and it is translated dissention and disputation. Act. 24. 5. Tertullus the Orator accuseth Paul for moving sedition; and the subsequent words are, A ring-leader of the sect of the Pharisees; so that his sedition there was but a schism: And the words there are in a manner the very same with ours here; there it was, for moving; here, for stirring of sedition. Seditio, as an approved Author saies, importa, discordiam, to wit, when the members of one body fight one against another. The Lord of St. Albans, who was lately the Lord Chancellor of England, and was a Lawyer, and great States-man likewise, and well knew the acceptation of this word [Sedition] in our Law, hath made an Essay of Sedition, and the Title of the Essay is, Of Seditions and Tumults: the whole Essay deserves the reading. And there is a Prayer in the Letany, — From sedition and heresie, &c. So that here Sedition is taken as a kind of Sect. B C D E F

This being the naturall signification of the word, then the next labour shall be to see, if any thing in our Law crosse this exposition. And it seems clearly, that there is not. 2 H. 4. cap. 15. And it is in the Parliament-Roll, numb. 48. against Lollards, who at that time were ta-

ken

when as heretical, fates, That such speeches which excite and stir up to sedition shall be convented before the Ordinary, &c. Where, though as often for dilation and division in doctrine, this may be most truely rendred by the said Statute, although the said Statute be not repealed by the Statute of 25 H. 8. c. 4. 1 and 2 Phil. & Mar. c. 9. (mention is in Kastall, Newes 4. which is an act against seditious words and writings of the King and Queen, which is a great misdemeanour) and yet the punishment appointed to be inflicted by the said Statute is but the penalty of a Fine of 100l. And the said Statute, by the Statute of 1 Eliz. c. 16. was extended to her also, which Statute now by her death is expired, which I pray may be observed, 13 Eliz. cap. 1. against those, who seditiously publish who are the true heirs of the Crown, shall be imprisoned for a year, &c. And 13 Eliz. c. 2. the seditious bringing in of the Pope's Bulls is made treason, which implies, that it was not so at the Common Law, 23 Eliz. c. 2. If any person shall write, print or publish any book containing any false, seditious and slanderous matter, to the withdrawing of any rebellion, &c. every such offence shall be adjudged Felony. And in an Indictment upon the said Statute, (which see Cook's Entries fol. 352, 353.) there are the words —rebellionem & seditionem movere; and yet it is but Felony, 33 Eliz. c. 1. made against seditious Sectaries. Also there are certain Books and Authorities in Law, which expound the nature of this word Sedition, C. 4. 13. the Lord Cromwell's case. In an action for these words, Thou art one of those that maintain seditions against the Queens proceedings, the Defendant pleaded, That he intended the maintenance of a seditious Sermon; and this was adjudged a good plea and justification, from whence it followeth, that the seditious Sermon mentioned in the Declaration, and the maintaining of sedition against the Queen, is an act of one signification; for if they might have been taken in a different sense, the justification had not been good. Phillips and Bagby's case, which is in C. 4. 19. a. which was objected by Serjeant Berkley, makes strongly for me; for there an action upon the case was brought by a person, for these words, [Thou hast made a seditious Sermon, and moved the people to sedition this day] And although it were said against that the action lay, yet the reason of the Judgment is not because, simply these words, made the words [containing the matter of the prosecution;] but simply, that if they had not slanderously spoken in the profession, or office which the plaintiff had ordinary recourse, if they concerning a man in his profession, are actionable; as to say of a Lawyer, that he is a cosening Knave, or of a Merchant, that he is a Bankrupt Knave, &c. if they were spoken of another man, they should not have an action. And although the words say, that he has committed riots; yet if the Plaintiff has been never indicted, and by consequence, it does not appear that he has been punished, and, by consequence, it does not appear, that he is otherwise, that words barely imply an imputation of the crime, are not actionable, as, Thou art a murderer; but imputation to commit the crime, therefore words which imply it are actionable. And also for bitter words, an action upon the case will lye, which imputes and touches or felony; as, for calling a woman Whore, by which she loseth her marriage, and such like. Then sedition is no offence in it self, but the aggravation of an offence; and no Indictment (as I have said) does lye for it. Tr. 21. Eliz. roll. 23. Sir John Garbut's case, which was put before by Mr. Son,

son, the Indictment was in prejudice of his Crown, and in manifest sedition, and yet the offence there was but a Robbery. It is true, that upon his arraignment he stood mute, therefore the Roll is, that he was put to penance, that is, to strong and hard pain; and this proves, that it was not treason; for if a man arraigned of treason stand mute, yet the actuall judgement of treason shall be given on him. And it is true also, that he cannot have his Clergy, because insidiator viarum was in the Indictment; which if it were, outs the party of his Clergy, untill the Statute of 4 H. 4. c. 2. as is observed in C. 11. Alexander Poulter's case. And upon the same Roll of 21 E. 3. there are four other Indictments of the same nature, where [Seditiosè] is contained in them. Anno 1585. Queen Elizabeth sent a Letter (which I have seen by the hands of the noble Antiquary, Sir Robert Cotton) to the Maior of London, for the suppressing of divers seditious Libels, which were published against her Princely Government; and yet in the conclusion of the Letter it appears, that they were onely against the Earl of Leicester, and this was to be published onely by Proclamation in London.

5 H. 4. numb. 11. and 13. The Earl of Northumberland preferred a Petition to the King in Parliament, in which he confesseth, that he had not kept his Majesties Lawes as a liege subject; and also confesseth the gathering of power, and the giving of Liveries: Wherefore he petitioned the mercy of the King (for so are the words) for his grace. Thereupon, upon this Petition, demanded the opinion of the Lords of Parliament, and of the Judges assistant, if any thing contained within the said Petition were treason, or no; and it was resolved by them all, that nothing as it is mentioned in the said Petition was treason, but great misdemeanors; and yet truly, though not fully there mentioned, it was a great rebellion and insurrection. But they adjudged according to the said Petition, as you are now to judge upon the Return, as it is made here. In Mich. 33 Eliz. Cawdry's case, Sedition and Schism were described. As schism is a separation from the unity of the Church, so sedition is a separation from the unity of the Common-wealth. And as Authors saies, that a seditious person differs from a schismatick, because the one appertaineth the spirituall right, the other the temporall: And as schism of it self is not heresie, so sedition without other adjuncts is not treason. Bracton. 112, 113, 118. hath been objected, that he makes sedition treason: I will grant to them, Hengham also, who is to the same purpose; for in these Books it is called, Sedicio Regis & Regni. To them I answer, 1. That they are obscure. For, what signifies Seditio Regis, no tumultus Regis? shall it be the same thing in sense with Sedicio contra Regem? It seems, that the said Authors neither observed Law nor Language. 2. Although they reckon sedition amongst the crimes læsæ Majestatis, yet that is not to be regarded, for they are obsolete Authors, and are not esteemed as Authors in our Law, as it is in Pl. 356. and C. 8. 33. but they may be used for ornament, and they are good marks to shew to us, how the Law was then taken, but not to declare how the Law is at this day; they are no binding authority, and if they be, yet we have them of our own libertie: For in the 14 Book Glanvill saies, That a man accused of such a crime shall be bayled, and that the Accuser shall give pledges. And Bracton saies, That if no accuser appears, they shall be set at liberty. And Hengham reckons

reckons amongst the crimes læsæ Majestatis, the breach of the Peace, and so does Glanvil also. Fleta, who was a follower of Bracton, and transcribes much verbatim out of him, calls Sedition, Seductionem of the Lord the King. And 12 Edw. 1. the Statute of Rutland, which prescribes Lawes for Wales, enacts, That the Sheriff shall enquire in his Turn, de seductoribus Domini Regis; and it is not apparent, whether he intend those which seduce the King, or his People. And in latter times, Seditio is called Sedutio. In the time of Henry the seventh, the Earl of Northumberland being a great and potent Peer, and the King standing in awe of him, caused him, with twenty four others of great quality, to enter in an obligation of twenty thousand pound (which Obligation is in the hands of Sir Robert Cotton) unto Him, that if the said Earl knew Treason, Sedution, Lolle, &c. to be intended to the King, that he should reveal it. 3. Also, Crimen læsæ Majestatis, which is the phrase of the Civill-Law, is more generall then treason; and the old Authors, which have been cited much follow the Civill-Law, which hath this expression; and Sedition by the Civill-Law is Treason. But it was resolved, 11 R. 2. n. 14. We are not governed by the Civill-Law. And the Mirrour of Justices, the principall copy whereof is in Benet-Colledge Library in Cambridge, and there is also a copy in Lincolns-Inne Library) Nor Britton in his Book, who writ in the name of the King, have not the word Seditio in them. And I affirm confidently, that there cannot be shewen any Record, Book, or Statute, after the making of the Statute of 25 Edw. 3. in which Seditio is taken as a capitall offence. And yet the Mirrour of Justices reckons up severall kinds of Treasons, which he divides into Treasons against the Celestiall or Terrestriall Majesty; against the Celestiall Majesty, as Schism, Heresie, Miscreancy, (and according to this, the Book of 5 R. 2. Tryall 54 is to be understood, which saies, That a Miscreant shall forfeit his Lands, because it is a kind of Treason). And also he shewes divers Treasons against the King, as, the deflouring of the Kings eldest Daughter, &c. but not a word of Sedition. But admit, that Sedition imports a greater offence than Tumult, yet there is no colour to say, that it is Treason; for, 25 Edw. 3. is a flat Barre (that I may use the Inner-Temple phrase) to any thing to be treason, which is not contained in it, unlesse it be made treason by any speciall Act afterwards, and 25 Edw. 3. does not make it Treason. Stamford cites Glanvill, and Bracton, and other antient Books, to shew what was Treason before the said Statute, and what not: And he saies, That it was a great doubt what shall be said Treason; saving that all agree, that any thing that tends to the death of the King was Treason. 3ly. Now examine the words, ——against Us—— those words make not the crime more heinous, as the case is. I agree, that if the words had been ——Sedition to take away the life of the King—— it would have been treason; yea, the very thought of treason is treason, (though none can judge thereof till it be produced in act) 19 H. 6. 47. b. by

See *Fortescue*, *f.* 115. the which was not cited --there never Sedition, Strife, or Murmur is heard.

Newton, 13 Jac. B. R. John Owen's case, the writing of a Letter, whereby he intended the death of the King, was treason; but it is not expressed, that the raising of this sedition was with such intent, whereby this differs from all the cases which can be put, in which there is such an intent of the death of the King. Also this, Raising of sedition against Us, shall not be intended treason; for if it had been so, the King would have so expressed it by the word Treason: For, as in his gracious disposition, he will not extend a fault beyond the magnitude thereof, so he will give to every offence the true and genuine name. If the Return had been, —against Our Person— it had been more certain, that it concerned the King immediately; this, may be against any point of his Government. And the proper and naturall signification of the words, —against Us— is as much as, Against Our Authority, Our superintendency, against Our peace, Crown, and Dignity, which are the usuall words in every Indictment of Felony. Every breach of the peace is against the King. The usuall Return upon every ordinary Writ out of this Court, is, That the party be before Us; and contempt to this Court is, Contempt against Us, and it is in the nature of sedition to the King. Contempts to the Court of Star-chamber, are Contempts against Us; and upon them, Commissions of rebellion issue; and if the parties are brought in upon such Commissions, yet they are bayleable untill their conviction. The King styles himself, Us, in Writs; and every disobedience to any Writ may be said, Sedition against Us. Routs, riots, illoyall assemblies, may well be said and called, Sedition against Us: And for such offences, a man shall not be restrained of his liberty upon an [it may be] bayle a Return is necessary, by which the Court may be truly informed of the offence. For the Writ of Habeas Corpus is, to submit and receive what the Court shall ordain. And this Return of this nature is not to be compared to Writs which are generall, and make a brief narration of the matter, and are pursued and explained by subsequent declarations. And yet I urge not, that the Return ought to be as certain as an Indictment; for an Indictment of Murder is not good, if it lack the word Murdravit. But the Return upon an Habeas corpus, q. d. interfecit J. S. upon prepensed malice, is good; for the nature of the thing is expressed, although the formall word be wanting; but out of the Return, the substance of the offence ought always to appear, which appears not here. But it hath been said by the other side, That, let the cause in the Return be as it will, yet is it not traversable, 9 H. 6. 54. and I confesse it. But as C. 11. James Bagg's case is, the Return ought to have certainty so much in it, that, if it be false, the party grieved may have his action upon the case. And the grievance complained of in the petition of Right is, that upon such Return no cause was certified, that is, no such cause upon which any Indictment might be drawn up; for we never understand, that the party shall be tryed upon the Habeas Corpus, but that upon the matter contained within it, an Indictment shall be made, and he shall have his tryall upon it. And yet it is clear, and it hath been agreed of all hands

hands, in the Argument of the grand Habeas corpus, Mich. 3. Car. in this Court, that if the cause be certified upon the Return of the Habeas corpus, that the Court may judge of the legality of that cause. 2. Consider the parts of this Return, as they are coupled together, —for notable contempts by him committed against Our Self and Our Government, and for stirring of sedition against Us— Upon the entire Return, the King joynes sedition with notable contempts, so that it is as much as if he had said, that Sedition is one of the notable contempts mentioned in the first part of the Return, so that he makes it but a contempt. For the generality and uncertainty of the Return, I refer my self to the cases put by Mr. Ask, and I will not waive any of them. True it is, if the Return had been, that it was for Treason, he had not been bailable but by the discretion of the Court, and such Return would have been good; but it is not so of sedition, Gard. 157. Treason is applyed to a petty offence, to the breach of trust by a Guardian in Socage; but it is not treason. And so sedition is of far lesse nature then treason, and is oftentimes taken of a trespasse; it is not treason of it self, nor seditiosè was never used in an Indictment of treason. It was not treason before the 25 of Edw. 3. nor can it be treason; for 25 E. 3. is a flat Barre (as I have said before) to all other offences to be treason, which are not contained within the said Act, or declared by any Statute afterwards. And there are offences which are more heinous in their nature then sedition is, which are not treason, as Insurrections, &c. which see in the Statute 11 H. 7. cap. 7. 2 H. 5. cap. 9. 8 H. 6. cap. 14. 5 R. 2. cap. 6. 17 R. 2. cap. 8. and by 3 and 4 E. 6. cap. 5. the assembly of twelve persons to attempt the alteration of any Law, and the continuance together by the space of an hour, being commanded to return, is made treason; which Act was continued by the Statute of 1 Mar. cap. 12. and 1 Eliz. cap. 16. but now is expired by her death, and is not now in force, (although the contrary be conceived by some) which I pray may be well observed. By the Statute of 14 Eliz. cap. 1. rebellious taking of the Castles of the King is made treason, if they be not delivered &c. which shewes clearly, that such taking of Castles in its nature was not treason. But the said Statute is now expired; and also all Statutes, creating new treasons, are now repealed. But, for a conclusion of this part of my Argument, I will cite a case, which, I think expresse, in the point, or more strong then the case in question. And it was M. 9. E. 3. roll. 39. B. R. Peter Russells case; he was committed to prison by the Deputy-Justice of North-Wales, because he was accused by one William Solyman of sedition, and other things touching the King: And hereupon a Commission issued out of the Chancery, to enquire, if the said Peter Russell behaved himselfe well or seditiously against the King, and by the Inquisition it was found, that he behaved himself well. And upon an Habeas Corpus out of this Court, his body was returned, but no cause. But the said Inquisition was brought hither out of Chancery, and for that no cause of his caption

was returned, he prayed Delivery; but the Court would not deliver him, till it shew the cause of his Commitment: Therefore (taking no regard of the said Inquisition) they now send a Writ to the now Justice of Wales, to certifie the cause of his commitment. And thereupon he made this Return, That the foresaid Peter Russell was taken, because one William Solyman charged him, that he had committed divers seditions against the Lord the King; and for that cause he was detained, and for no other. And because the Return mentions not what sedition in speciall, he was bayled, but not discharged. And I desire the bayment of the prisoner onely, and not his deliverance. I desire that the case be well observed. In the said case, there was an actuall sedition against the King; here is onely a stirring up of sedition. The words of the said Award are, Videtur curiæ; which are the solemn words of a Judgment, given upon great deliberation. There it was, ——for other things concerning Us—— This is all one as if it had said, ——for other things against Us—— Concerning the King, and, Against the King, are all one, as appears by 25 E. 3. c. 4. de Clero, Stamf. 124. Westm. 1. c. 15. Bracton, f. 119. 14 Eliz. c. 2. And the words of the Judgment in the said case, were not, —— dimittitur—— but, ——ideo dimittendus—— which imply the right of the party to be bayled. The said case in some things was more particular then our case, and more strong; for, there was an Accuser to boot, which wants in our case. There, true it is, that he was committed by the Justice of Wales, and here by the King himself; but this makes no difference, as to this Court: for, be the commitment by the King himself, or by any other, if it be not upon just cause, the party may be bayled in this Court. And for the Inquisition, which is mentioned, it was no Tryall in the case; nor did the Court give any regard thereto. To detain the prisoner by the command of the King singly, is against the Petition of Right; but it being coupled with the cause, the cause is to be considered, and the truth of the cause is to be intended, as well where it is mentioned, to be by an inferiour Judge, as where by the King himself, for it is traversable neither in the one nor other. And 22 H. 8. roll. 37. B. R. and 1 H. 8. roll. 8. Harrisons case resolv'd that a man committed by the command of the King, is baylable. And 33 Eliz. it was resolved by all the Justices of England, which I have viewed in chief Justice Andersons Book, under his own hand, and it was produced in Parliament, That all men committed by the Privy Councill are baylable, if the commitment be not for high treason. In all cases of commitment, an accuser is understood. Suppose that the accusation mentioned in Russel's case of sedition, had been an accusation of treason, then the Judges ought not to have bayled him of right, and no man will say, but that the said accusation was a good cause to commit him. But the discovery of the offence ought to be afterward in an Indictment.

Fourthly, I come to the objections which have been made on the contrary.

1st. It was objected, That this was a case of great consequence. I confesse it, but this consequence is not to the King; for if it be truly treason, then they might have returned Treason, and then the party was not to be bayled of right, till there should be a tryall of prosecution; as was lately in Melvins case, who was bailed for lack of prosecution, the Return being for high treason.

2ly.

2ly. It was objected, that there can be no conviction, as this case is, therefore there ought to be coercive power to restrain the prisoner. This is strange news to me, that there shall be any offence, for which a man cannot be convict. And if there can be no conviction, it hence followes, that there is no offence; and if there be no offence, there ought by consequence to be no imprisonment.

A 3ly. The case of 14 H. 7. 8. hath been objected, that a Justice of Peace may commit Rioters, without bayl. I confesse it, for this is by force of a Statute which ordains it.

4ly. It hath been objected, That if a house be on fire, it is lawfull to pull down the neighbours house, for the prevention of further mischief; and the cases of 22 ass. and 22 E. 4. that every man may suffille the coercion of a mad-man. I answer, That these cases are true, for of necessity, and no other evasion: but here, bayl is prefered, which is body for body. Fire is swift, and cannot be punished, and no caution can be obtained thereof. But observe the true inference and consequence of
B this Argument, If my house be on fire, my neighbours house must be pulled down: Mr Selden is seditious, ergo, Mr. Herbert his neighbour must be imprisoned.

5ly. It hath been objected out of Br. Treason, 24. 1 Mar. That the said Statute of 25 E. 3. is taken largely, and that the detaining of a Castle or Fortresse is treason. To this I answer, That the bare detaining of a Castle is not treason, unlesse it be with intention of the death of the King; but the taking of a Castle is treason. And the case there
C meant by Brook is Constables case, Dy. 128. And I confesse, 13 Eliz. Dy. 298. Doctor Story's case, that conspiracy to invade the Kingdom, is treason; for this cannot be without great danger of the death of the King; for, ——arma tenenti, Omnia dat qui justa negat —— and all those Indictments were, that they intended the death of the King, but no such intention is expressed here.

6ly. It hath been objected, That this case is out of the Petition of
D Right, because in this Return there is a cause shewed. But the grievance whereupon the Petition of Right was framed, was, where no cause was returned. It is true, that the grievance goes no further, but where no cause was returned, for, that was the grievance at that time. But the words of the Petition of Right are further, —without being charged with any thing, to which they might make answer by the Law— which implies, that such cause ought to be contained in the Return, which being put into an Indictment, the party may have his an-
E swer thereto.

7ly. It was objected, that the Return shall not be construed and expounded by fractions. I answer, That we need not make such an exposition; for the joynt-construction thereof makes more for us, then the severall, as is shewed before.

8ly. That a generall Return is sufficient, and it need not have fearnes of Art in it, as an Indictment ought to have. For answer, I confesse it; but I affirm, as above, that a Return ought to be so particular, that the nature of the offence ought to appear out of it: And it is not to be compared to generall Writs, as, Apostatâ capiendo, Idiotâ examinando, Leproso amovendo, and the like: for those Writs are good enough, because they contain the very matter. And although it hath been said, that there are two kinds of Lepers, yet I never heard but of

one.

one. And the Writ, de Hæretico comburendo, is generall, and good, because it is but a Writ of Execution upon a Judgment, given by the Spirituall power. But because they might not meddle with the blood of any man, the execution is by the Secular power.

9ly. It hath been objected out of 30 ass. p. 19. that the King would have one drawn and hanged, for bringing in into England the Buls of the Pope. But the Book answers it self, for he was not drawn and hanged.

10ly. The Statute of Westm. 1. cap. 15. was objected. But as oft as that Statute is objected, I will alwaies cry out, The Petition of Right, the Petition of Right! as the King of France cryed out nothing but France, France! when all the severall Dominions of the King of Spain were objected to him.

11ly. A curious distinction hath been taken by Serjeant Davenport, between stirring To sedition, and stirring Up sedition; for the first implies an inclination onely to do it, the second implies an act done. But this is too nice, for if a man stir up sedition, or to sedition, if it be with intention of the death of the King, the one and the other is treason.

12ly. The opinion of Fortescue in 31 H. 6. 10. b. hath been objected, That for an offence done to the Court, a man may be committed before conviction. To this I answer, 1st. That the Book does not say, That he shall be committed without bayl. 2ly. The offence being done in face of the Court, the very view of the Court is a conviction in Law.

13ly. There was objected the 24 of E. 3. 23. Sir Thomas Fitchet's case, who, for going armed in the Palace, was committed by this Court, without bayl or mainprize; which seems to be the strongest and hardest case that hath been objected. But the answer to it is clear, and undeniable, for the Statute of 2 E. 3. c. 3. is, That if any one come armed before the Justices, he shall forfeit his Armour, and shall be imprisoned during the Kings pleasure; so that by the expresse purview of the Statute, such a man is not baylable. So my conclusion remains firm, notwithstanding any of those objections, That the prisoner here being committed before conviction of any offence, (it being not possible to understand this offence treason) is baylable. And that he is baylable here, I will offer two other reasons: 1st. The Return here is for sedition; and there is an information in the Star-chamber against the Prisoner, for seditious practises against the King and his Government. I will not affirm, that they are the same offence, but there is some probability that they are the self-same; and if they be the same offence, then the sedition here intended is not treason, and so the party is baylable. 2ly. This Prisoner was ready at this Bar the last Term, and here was a Grand-Jury at Bar the last Term, and here was the Kings Counsell present, who are most watchfull for the King; and yet an Indictment was not preferred to them against this Prisoner. Which things induce me to be of opinion, that the offence here mentioned in this Return is not treason, or so great as is pretended on the other side. I will remember one case which perhaps may be objected, (and yet I think they will not object it) and so conclude, 11 R. 2. Parliament Roll 14. in the printed Statute, c. 3. and 5. where it appears, that divers questions were propounded by the King

to

to Treſilian and Bealknap, the two chief Juſtices, and to the other Juſtices: one of which queſtions was, How they are to be puniſhed, who reſiſted the King in exerciſing his royall power, &c. And the anſwer of the Judges was, una voce, that they are to be puniſhed as traitors; and 21 R. 2. c. 21. this opinion was confirmed. But afterwards in 1 H. 4. c. 3. and 4. and 1 H. 4. in the Parliament-Roll, numb. 66, 67 the Judges were queſtioned for their opinion, in Parliament. They anſwered, That they were threatned and enforced to give this opinion, and that they were in truth of the contrary opinion. And Bealknap ſaid, That he acquainted and proteſted to the Earl of Kent aforehand, that his opinion was alwaies to the contrary. But the Parliament was not content with theſe excuſes, but they were all adjudged Traitors; and Treſilian's end is known to all, and Bealknap was baniſhed; for his Wife in 2 H. 4. brought a Writ, without naming her husband, becauſe he was baniſhed. And the ſaid Statute of 21 R. 2. was repealed. Therefore upon the whole matter I conclude, that the Priſoner ought to be bayled.

On the ſame day, Sir Miles Hubbart, and Benjamin Valentine, and Denſill Hollis Eſquires, were at Bar, upon an Habeas corpus directed to the ſeverall Priſons; and their Counſell was ready at the Bar to have argued the caſe for them alſo: But becauſe the ſame Return was made as above, they ſaid, That all of them would rely upon this Argument made by Mr. Littleton.

Sir *Rob. Heath*, the Kings Atturney Generall, his Argument againſt Mr. *Selden*.

The caſe of the grand Habeas corpus for Mr. Selden and others, was now argued by Heath, the Kings Atturney Generall, That this Return was good, and that the parties ought not to be bayled; And that within the Return there appears good cauſe of their commitment, and of their detaining alſo. The caſe is great in expectation and conſequence: and concerns the liberty of the Subject on the one part, whereof the Argument is plauſible; and on the other part it concerns the ſafety and ſoveraignty of the King, which is a thing of great weight. The conſideration of both pertaines to you the Judges, without ſlighting the one, or too much elevating the other. The Return, which now is before you, is entire; but I will firſt conſider it as divided in parts. Firſt, The firſt Warrant, which is that of the Lords of the Privy Councill, is generall, that it was by the command of the Lord the King; and this in former times was held a very good Return, when due reſpect and reverence was given to Government; but, Tempora mutantur. And this Return is no way weakened by any latter opinion; for notwithſtanding that the firſt commitment of a man may be generall; for if upon the Return, the true cauſe ſhould be revealed to the Gaoler, by this means, faults ſhould be published and divulged before their puniſhment, and ſo the complices of the fact well eſcape; and it is not fit that the Gaoler, which is but a miniſteriall Officer, ſhould be acquainted with the ſecrets of the cauſe. But when the cauſe is returned in Court, more certainty is requiſite; for there (as it hath been obiected) ſomething ought to be expreſſed to which the party may anſwer, and upon which the Court may ground their Judgment. And to this purpoſe, it hath been much inſiſted upon the Petition of Right; but the Law is not altered by it, but remains as it was before. And this will appear upon the view of all the parts of the Petition. 1ſt. The occaſion of

of the Petition, and the grievance is shewed in these words, Divers of your Subjects have been of late imprisoned, without any cause shewed, &c. But in this Return there is a cause shewed, to which the parties may answer. Then secondly, the prayer of the Petition is, That no free-man, in any such manner as before is mentioned, be imprisoned or detained; that is, such manner of imprisonment, the ground whereof doth not appear. Then the answer of the King to the Petition was in sundry words, 2 Jun. 1628. in these words, The King willeth, that right be done according to the Lawes and Customes of the Realm, &c. Which answer gave not satisfaction. And afterwards his answer was in a Parliamentary phrase, Soit droit fait come est desire. But afterwards on the 26 of June, 1628. the King expelled his intention and meaning in the said Answer. It must needs be conceived, that I have granted no new, but only confirmed the antient liberties of My Subjects, &c. A Petition in Parliament is not a Law, yet it is for the honour and dignity of the King, to observe and keep it faithfully; but it is the duty of the people not to stretch it, beyond the words and intention of the King. And no other construction can be made of the Petition, then to take it as a Confirmation of the antient liberties and rights of the Subjects. So that now the case remains in the same quality and degree, as it was before the Petition. Therefore we will now consider, how the Law was taken before the Petition, and for the discussing thereof, we will examine the second part of the Return, and in it two things, 1st. if the Return, as it is now made, shall be intended for true: 2. admit that it is true, if there be any offence contained within it, which is good to detain the Prisoners. For the first, It is clear, that the cause shall be intended true which is returned, though in truth it be false; and so are 9 H. 6. 44. and F. Corpus cum causa, 2. and C. 11. Baggs case. 2ly. It seems, that there is such a crime contained in this Return, which is a good cause for detaining the Prisoners. It is true, that it was confidently urged in Parliament, in tertio Caroli, that generall Returns, that were committed by the command of the Lords the King, were not good, and that those Arguments remain as Monuments on record, in the Upper House of Parliament; but I will not admit them for Law. But I will remember what was the opinion of former times, 22 H. 6. 52. by Newton, a man committed by the command of the King, is not repleviable. And the opinion cannot be intended of a Replevin made by the Sheriff, because the principall case there is upon a Return in this Court. 33 H. 6. 28. Poyning's case, where the Return was, That he was committed by the Lords of the Council, and it was admitted good. It is true, that this opinion is grounded upon Westm. 1. cap. 15. but I will not insist upon it. But the constant opinion hath always been, that a man committed by the command of the King, is not baylable. In 9 H. 6. 44. it is said, That if one be taken upon the Kings suit, the Court will not grant a Supersedeas. The contrary opinion is grounded upon Magna Charta, which is a generall Law, and literally hath no sense to that purpose; and it is contrary to the usuall practise in criminall causes, in which the imprisonment is always lawfull untill the tryall, although it be made by a Justice of Peace, or Constable. And that a man committed by the command of the King, or Privy Council, is not baylable, be cited

1 Jacobi, Sir John Brocket's case. 8 Jac. Sir Thomas Cesar's case. 12. Jac. James Demetrius's case. 43 Eliz. William Rinch's case. And in the case M. 36 Eliz. and 4 and 5 Eliz. Richard Thimelby's case. And said, that there are innumerable presidents to this purpose. M. 21 and 22 Eliz. upon the return of an Habeas corpus it appears, that Michael Page was committed by the command of the Lord the King, but was not delivered; and after was arraigned in this Court, and lost his hand. And at the same time, Stubbs was committed by the command of the Lord the King, for seditious words and rumors, and he lost his hand also upon the same tryall. M. 17 and 18. Eliz. Upon Habeas corpus for John Loan, it was returned, That he was committed for divulging sundry seditious writings, and he was remanded. And 7 H. 7. roll. 6. Rugs case; and roll. 13. Chase's case, where the Return was, that they were committed by the command of the Lord the King, and they were not delivered; and this was also the opinion in this Court, M. 3. Car. And after the said time the Law is not altered, and so I hope neither are your opinions. But to consider the particular cause mentioned in the Return, I will not rely upon the first part of the words, although they be of great weight, but onely upon the last words, ——for stirring up of sedition against Us—— And it hath been obiected, that Sedition is not a word known in the Law: But I marvell, that the signification of the word is not understood, when it is joyned with the words, —— against Us——: this ought to be understood, Sedition against the King, in his politick capacity. [Sedition] hath sundry acceptations, according to the subject handled, as it appears C. 4. Lord Cromwel's case, which hath been cited. If it be spoken of a man, that he is seditious; if it be of a company in London, it shall be understood sedition in the Company; if it be spoken of a Souldier, it shall be taken for mutinous. Mr. Littleton, who argued this case very well, said, That Tacitus useth this word, and it is true; and he saies, That there are two manners of Seditions, Seditio armata, & togata; and the last is more dangerous then the former. But couple it with the subsequent words here, [against Us] the interpretation and sense thereof is easie, & loquendum ut vulgus. Mr. Littleton shewes the acceptation of this word in divers places of Scripture, and I will not reject them, for they make for me: 20 Numb. 3. the Latine is, ——populi versi sunt in seditionem; and it is Englished ——murmuring—— but clearly it was high treason against their Governour, and God himselfe. 26 Numb. 9. in seditione Corah—— it is manifest, that that was a great Insurrection. 12 Judg. 1. Facta est ergo seditio in Ephraim, The Ephramites rose against Jephta; and he at the same time was their Judge and Governour, so it was the height of Insurrection. It is true, that in 15 Act. 2. Facta est seditio; and in some Translations it is, Orta est repugnantia non parva, for it may be taken in several senses. 19 Acts 40. the Town-Clerk there knew not how to answer for this daies sedition, or insurrection, and no doubt he was in great perill, for it was a great insurrection; and I wish the greater ones were as circumspect as he was. 24 Act. 5. Tertullus accused Paul of sedition, and doubtlesse it was conceived a great offence, if you consider the time and other circumstances, for they were Heathens and Romans. And although he in be-

ry truth taught the Gospell of God, yet he was taken for a pestilent fellow, and as a perswader to shake off Government. Bracton lib. 3. de Corona, c. 2. ranckes Sedition amongst the crimes læsæ Majestatis. But it hath been objected, that if it be a capitall offence, it ought to be felony or treason. To this I say, That it cannot be felony, but it may be treason, for any thing that appears. It is true, that by the statute of 25 E. 3. treasons are declared, and nothing shall be said treason, which is not comprised within the said Statute, unlesse it be declared so by Act of Parliament. But upon inquirement of treason, such testimonies as this may be given in evidence, and perhaps will prove treason. And the Crimen is not, That he was seditious, which implies only an inclination; but that he stirred up sedition, which may be question, if the evidence will bear it. In divers Acts of Parliament, notice is taken of this word [Seditio] and it is alwayes coupled with Insurrection or Rebellion, as appears by the Statutes of 5 R. 2. c. 6. 17 R. 2. c. 8. 2 H. 5. c. 9. 8 H. 6. c. 14. 3 & 4. E. 6. c. 5. 2 R. 2. c. 5. 1 and 2 Phil. & Mar. c. 2. 1 Eliz. c. 7. 13 Eliz. c. 2. 23 Eliz. c. 2. 27 Eliz. c. 2. and 35 Eliz. c. 1. all which were cited before, and they prove, that [Sedition] is a word well known in the Law, and of dangerous consequence, and which cannot be explained in good sense. Wherefore the nature of the offence, I leave it to the Court. But out of these Statutes it appears, that there is a narrow difference between it and treason, if there be any at all.

3ly. As to the Objections which have been made, I will give a short answer to them.

1. It was objected, That every imprisonment is either for custody or punishment, the last is allowed after the judgment given for the offence; and if it be but for custody, the party upon tender of sufficient mainpernors is baylable. I confesse, that this difference is true, but not in all respects; for I deny, that a man is alwayes baylable, when imprisonment is imposed upon him for custody: For imprisonment is for two intents, the one is, that the party which hath offended should not abold the judgment of Law; the second is, that he shall not do harm in the interim during his tryall; and the Law is carefull in this point. But it hath been said, That although the party be bayled, yet he is imprisoned. I deny that, for so is 2 H. 4. 6. If the party come not at the day, the Bayl shall be imprisoned; but yet the Bayl shall not suffer the same punishment which ought to have been inflicted upon the party; as if it were for treason, the Bayl shall not answer for the same, but only for the body. Serjeant Berkley did well call a seditious man an Incendiary to the Government; and, as commune incendium, is to be restrained of his liberty. And he put 22 E. 4. and 22. ass. 56. that a mad-man may be restrained, to prevent the hurt he would otherwise do himself and others. A seditious man is as a mad-man in the publick estate of the Common-wealth, and therefore ought to be restrained. And it appears by the Writ, de Leproso amovendo, that a Leper is to be removed, and in a manner imprisoned, for the contagion of the disease: and this is for the safeguard of others, lest this Leprosy infect others. The application is easie. And by the Statute of 1 Jac. c. 33. is restrained to keep within bounds; & if he go abroad, any man may justifie the killing of him. The infection of sedition is as dangerous as any of these diseases, therefore it is not safe to let seditious men to bayl, or at

at libertyty, & in dangerous cases, the wiſeſt way is, to make all ſafe. In all cases of this nature, much is left to the diſcretion of the Court. The caſe of M. 9 E. 3. roll. 39. Ruſſell hath been objected, to be in the point; I have viewed the Record of that caſe, and although it be verbally, yet it is not materially to this purpoſe; for the commitment was by a Juſtice of North-Wales, upon the accuſation of an accuſer; and it was within a ſhort time after the Statute of 5 E. 3. by which it was A ordained, That none ſhould be impriſoned upon the accuſation of one accuſer: But here the detainment is by the King himſelf, for ſtirring up of ſedition. And there the Return was, That he was accuſed of Seditions and Undecencies, where the latter word doth qualifie the former. And there iſſued a Writ of good behaviour, (as the uſe was) to enquire of the truth of the offence; and it was found, that there was no ſuch offence: and then upon the ſame Return again he was ſet at liberty; ſo that the caſe there was ſpeciall, and the manner of proceB dings ſpeciall. And I deſire, that one thing may be obſerved, that Ruſſell came in here upon the Habeas corpus, 20 Sept. but was not delivered untill Hillary Term following. And for 28 H. 6. the Duke of Suffolk's caſe which was objected, that the generall accuſation of divers treaſons was not legall. That is true, becauſe it was in Parliament, and in the nature of an accuſation; and being in a Court of Juſtice, it had been unjuſt to condemn a man before his Tryall; C and yet this Court, upon probability of a fault, doth oft-times reſtrain a man before conviction. But it hath been objected in this caſe, They have been a long time impriſoned, and no proceedings againſt them. It is well known, that there have been ſome proceedings againſt them, and they declined them; and alſo more then three months is requiſite for the preparation of ſuch proceedings, and the King intends to proceed againſt them in convenient time. And ſome that were offendors in the ſame kind are already delivered, to wit, Mr. Coryton, and Sir D Peter Hayman. Therefore if any injury be done to the priſoners, they themſelves are the cauſe of it, for not ſubmitting themſelves to the King. And for the inſtance which Mr. Littleton uſed of the Judges in 11 R. 2. although they ſuffered for their opinions given to the King, I deſire, that the time when their opinion was delivered may be conſidered, to wit, in the time of R. 2. and the time when they ſuffered, to wit, in the time of H. 4. And it was the ſaying of a noble Gentleman, the Lord Egerton, That Bealknap ſuffered rather by the E potency of his enemies, then the greatneſſe of his offence: And yet it is to be confeſſed, that they might have given better counſell; but there was no time to diſpute of the ſufficeſſe of their counſell, when the ſword was in the hands of the Conquerour.

It hath been relyed upon the reſolution of all the Juſtices of England in 34 Eliz. which reſolution is now regiſtred in the Upper Houſe of Parliament, at the requeſt of the Commons, in tertio Caroli Regis; but I leave it to you, as that Reſolution ſhall ſway your judgments. The F ſaid Reſolution is, That the cauſe ought to be certified in the generality or ſpecialty; and here the generall cauſe is certified at leaſt, if the ſpecial be not ſo; upon the whole matter, the baylment of theſe priſoners is left to your diſcretion; and I have ſhewed to you the diſcretion of your predeceſſors. And if any danger appear to you in their baylment, I am confident that ye will not bayl them, if any danger may enſue; but firſt

ye are to consult with the king, and he will shew you where the danger rests. Therefore upon the whole matter I pray, that they be remanded.

When the Court was ready to have delivered their opinions in the grand Habeas corpus for Sir. Selden and others, the Prisoners were not brought to the Bar, according to the Rule of the Court; Therefore Proclamation was made, for the Keepers of the several prisons, to bring in their Prisoners; but none of them appeared but the Marshall of the Kings Bench, who said, that Sir. Stroud that was in his custody, was removed yesterday, and put in the Tower of London by the Kings own Warrant; and so it was done with the other Prisoners; each of them was removed out of his Prison, in which he was before. But, this notwithstanding; it was prayed by the Counsell of the Prisoners, that the Court should deliver their opinion for the matter in Law. But the Court refused to do that, because it is to no purpose; for, the Prisoners being absent, they could not be bayled, delivered, or remanded.

Note, The last day of the Term, a Letter came to the Court from the King himself; the effect whereof was, to inform the Court of the reasons, wherefore the Prisoners were not suffered to come at the day appointed, for the resolution of the Judges.

Mich. 5 *Car.* B. R.

The case of the grand Habeas corpus for Sir. Selden and others, was now moved by Mason to have the resolution of the Judges; and the Court with one voice said, That they are now content that they shall be bailed, but that they ought to find Sureties also for the good behaviour. And Jones Justice said, that so it was done in the case which had been often remembered to another purpose, to wit, Russell's case in 9 E. 3. To which Sir. Selden answered, (with whom all the other Prisoners agreed in opinion) That they have the Sureties ready for the bayl, but not for the good behaviour; and desire that the bayl might first be accepted, and that they be not urged to the other.

An Information exhibited in the *King's Bench* against Sir *John Eliot* and others.

Sir Robert Heath, the Kings Attorney-generall, exhibited Information in this Court against Sir John Eliot knight; Denzill Hollis, and Benjamin Valentine, Esquires: the effect of which was, That the King that now is, for the space of three years, did summon a Parliament, and to that purpose sent his Writ to the Sheriff of Cornwall to chuse two Knights, by vertue whereof Sir John Eliot was chosen, and returned Knight for Cornwall. And that in the same manner, the other Defendants were elect Burgesses of other places for the same Parliament. And he shewed further, that Sir John Finch was chosen for one of the Citizens of Canterbury, and was Speaker of the House of Commons. And that the said Eliot, publickly and malitiously in the House of Commons, to raise devision between the King, his Nobles and People, uttered these words, That the Councill and Judges had all conspired, to trample under-foot the Liberties of the Subjects. He further shewed, that the King had power

to

to call, adjourn, and diſſolve Parliaments: And that the King, for divers reaſons, had a purpoſe to have the Houſe of Commons adjourned, and gave direction to Sir John Finch, then the Speaker, to move an adjournment, and if it ſhould not be obeyed, that he ſhould forthwith come from the Houſe to the King. And that the Defendants, by confederacy afore-hand, ſpake a long and continued Speech, which A was recited verbatim, in which were divers malitious and ſeditious words, of dangerous conſequence. And to the intent that they might not be prevented of uttering their premeditate ſpeeches, their intention was, that the Speaker ſhould not go out of the Chair till they had ſpoken them; the Defendants, Hollis and Valentine, lay violent hands upon the Speaker, to the great affrightment and diſturbance of the Houſe. And the Speaker being got out of the Chair, they by violence ſet him in the Chair again; ſo that there was a great tumult in the Houſe. And after the ſaid ſpeeches pronounced by Sir John Eliot, B Hollis did recapitulate them. And to this information, the Defendants have put in a plea to the Juriſdiction of the Court, becauſe theſe offences are ſuppoſed to be done in Parliament, and ought not to be puniſhed in this Court, or in any other, but in Parliament. And the Attorney-General moved the Court, to over-rule the plea to the Juriſdiction; And that, he ſaid, the Court might do, although he had not demurred upon the plea. But the Court would not over-rule the plea, but gave day to joyne in Demurrer this Tearm. And on the firſt day of the next C Tearm, the Record ſhall be read, and within a day after ſhall be argued at Barre. But Hyde, chief Juſtice, ſaid to the Counſell of the Defendants, So far light we will give you. This is no new queſtion, but all the Judges of England, and Barons of the Exchequer, before now, have oft been aſſembled on this occaſion, and have with great patience heard the Arguments on both ſides; and it was reſolved by them all with one voice, That an offence committed in Parliament, criminally or contemptuouſly, the Parliament being ended, reſts puniſhable in D an other Court. Jones, It is true, that we all reſolved That an offence committed in Parliament againſt the Crown, is puniſhable after the Parliament, in another Court; and what Court ſhall that be, but the Court of the Kings Bench, in which the King by intendment ſitteth. Whitlock, The queſtion is now reduced to a narrow room, for all the Judges are agreed, That an offence committed in Parliament againſt the King or his Government, may be puniſhed out of Parliament. So that the ſole doubt which now remains, is, Whether this Court can puniſh it. And Crook agreed, That ſo it had been reſolved by all the E Judges, becauſe otherwiſe there would be a failer of Juſtice. And by him, If ſuch an offence be puniſhable in another Court, what Court ſhal puniſh it but this Court, which is the higheſt Court in the Realm for criminall offences? And perhaps not onely criminall actions committed in Parliament are puniſhable here, but words alſo.

Maſon of Lincolns-Inne argued for Sir John Eliot, one of the De- F fendants. The charges in the Information againſt him are three. Mr. *Maſon's* Argument for Sir *John Eliot.*

1. For ſpeeches.
2. For contempts to the King in reſiſting the Adjournment.
3. For conſpiracy with the other Defendants, to detain Mr. Speaker in the Chair.

In

In the diſcuſsion of theſe matters, he argued much to the ſame intent which he had argued before, upon an information brought in the Star-Chamber againſt the ſame Defendants, and others, for the ſame offences; therefore his Argument is reported here very briefly.

1ſt. For his ſpeeches, They contain matter of accuſation againſt ſome great Peers of the Realm; and as to them he ſaid, That the King cannot take notice of them. The Parliament is a Councill, and the grand Councill of the King, and Councills are ſecret and cloſe, none other hath acceſſe to thoſe Councills of Parliament, and they themſelves ought not to impart them without the conſent of the whole Houſe. A Jury in a Leet, which is ſworn to enquire of offences within the ſaid Juriſdiction, are ſworn to keep their own counſell; ſo the Houſe of Commons enquire of all grievances within the Kingdom, and their counſells are not to be reveaſed. And to this purpoſe was a Petition, 2 H. 4. numb. 10. That the King ſhall not give credit to any private reports of their proceedings, To which the King aſſents; therefore the King ought not to give credit to the information of theſe offences in this caſe. 2ly. The words themſelves contain ſeverall accuſations of great men; and the liberty of accuſation hath alwaies been Parliamentary, 50 E. 3. Parliament Roll, numb. 21. The Lord Latimer was impeached in Parliament for ſundry offences, 11 R. 2. the Arch-Biſhop of York, 18 H. 6. numb. 18. the Duke of Suffolk, 1 Mar. Dy. 93. the Duke of Norfolk, 36 H. 6. numb. 60. un Viſchar Generall, 28 & 3 E. 6. c. 18. the Lord Seymer, 18 of King James, the Lord of St. Albans, Chancellor of England; and 21 of King James, Cranfield Lord Treaſurer; and 1 Car. the Duke of Buckingham. 3ly. This is a priviledge of Parliament which is determinable in Parliament, and not elſe-where, 11 R. 2. numb. 7. the Parliament-Roll. Petition exhibited in Parliament, and allowed by the King, That the liberties and priviledges of Parliament ſhall onely be diſcuſſed there, and not in other Courts, nor by the Common nor Civill Law, (ſee this caſe more at large in Selden's Notes upon Forteſcue, f. 42.) 11 R. 2. Roll of the Proceſſe and Judgment. An appeal of treaſon was exhibited againſt the Arch-biſhop of Canterbury and others, and there the advice of the Sages of the one Law and the other being required; but becauſe the appeal concerned perſons which are Peers of the Realm, which are not tryed elſe-where then in Parliament, and not in an inferiour Court, 28 H. 6. numb. 18. There being a queſtion in Parliament concerning Precedency, between the Earl of Arundell and the Earl of Devon, the opinion of the Judges being demanded, they anſwered, That this queſtion ought to be determined by the Parliament, and by no other, 31 H. 6. numb. 25, 26. During the prorogation of the Parliament, Thorp that was the Speaker, was out in Execution at the Suit of the Duke of York; and upon the re-aſſembly of the Parliament, the Commons made Suit to the King and Lords to have their Speaker delivered. Upon this, the Lords demand the opinion of the Judges, who anſwer, That they ought not to determine the priviledges of the High Court of Parliament. 4ly. This accuſation in Parliament, is in legall courſe of juſtice, and therefore the accuſer ſhall never be impeached, 13 H. 7. and 11 Eliz. Dy. 285. Forging of falſe deeds brought againſt a Peer of the Realm, Action de ſcandalis Magnatum, doth not lie. C. 4. 14. Cutler and Dixy's caſe, where

Where divers cases are likewise put to this purpose, 35 H. 6. 15. If upon the view of the body the slayer cannot be found, the Coroner ought to enquire, Who first found the dead body, and if the first finder accuse another of the murder, that is afterwards acquit, he shall not have an action upon the case, for it was done in legall manner. So it is the duty of the Commons to enquire of the grievances of the Subjects, and the causes thereof, and doing it in a legall manner, 19 H. 6. 19. 8 H. 4. 6. in conspiracy it is a good plea, that he was one of the Inquest. And 29 H. 6. 5. that he was a grand Jury-man, and informed his companions. And 21 E. 4. 67. and 35 H. 6. 14. that he was a Justice of Peace, and informed the Jury, 27 ass. p. 12. in to the same purpose. And if a Justice of Peace, the first finder, a Juror, or Justice, shall not be punished in such cases; a fortiori, a Member of the House of Commons shall not, who, as 1 H. 7. 4. is a Judge. 27 ass. p. 44. may be obiected, where two were indicted of conspiracy, for that they maintained one another; but the reading of the said case was, because Maintenance is matter forbidden by the Law; but parliamentary consultation, which is new matter, is not forbidden by any Law. C. 9. 56. there was conspiracy, in procuring others to be justices. And it is true, for there is none but his duty to procure such consultation. (2) The accusation was true, judicial, and out of Court: but it is not so in our case. (3) What is spoken in Parliament, subject to a superiour Court, cannot be questioned in this Court, which is inferiour. 3 E. 3. 19. and Stamford, 153. will be obiected, where the Bishop of Winchester was arraigned in this Court, because he impeached the Parliament without license; there is but the opinion of Scrop, and the case was stayed. P. 3. E. 3. 19. And it is to be obiected, that the plea of the Bishop there, was never allowed. Fourthly I gather, that Scrop was not resolute in his opinion, which was standing, being in the same Term in which the plea was argued; as if he knew, that the other Judges agreed not with him; and also at last the opinion was altered by the kings Writ. From this I gather, that the opinion of the Court was against the King, as in Pl. 20. in Fogassa's case, where the opinion of the Court was against the King, the party was discharged by privy Seal. 1 and 2 Phil. and Mar. hath been obiected, where an Information in this Court was preferred against Mr. Ployden, and other Members of the House of Commons, for departing from the House without license. But in that case I observe these matters. (1.) That this information depended during all the life of the Queen, and at last was sine die, by the death of the Queen. (2.) In the said case, no plea was made to the Jurisdiction of the Court, as here it is. (3.) Some of them submitted themselves to the Fine, because it was easie, for it was but 53s. 4d. But this cannot be urged as a president, because it never came in judgment, and no opinion of the Court was delivered thereof. And it is no argument, that because at that time they would not plead to the jurisdiction, therefore one cannot plead it for himself. (4) Their offences were not done in the Parliament House, but elsewhere by their absence, of which the Country may take notice; but not of our matters being done in Parliament. And absence from Parliament, is an offence against the Kings summons to Parliament. 20 R. 2. Parliament Roll 12. Thomas Hackley was indicted of high-treason in this Court, for preferring

a Petition in Parliament, but 1 H. 4. num. 90. he preferred a Petition to have this Judgment voided, and so it was, although that the King had pardoned him before. And 1 H. 4. numb. 104. all the Commons made Petition to the same purpose, because this tends to the destruction of their privileges. And this was likewise granted, 4 H. 8. c. 8. Strood's case. That all condemnations imposed upon one, for preferring of any Bill, speaking, or reasoning in Parliament, are void. And this hath always been conceived to be a generall Act, because the players, time, words, and persons are generall, and the answer to it is generall; for a generall out is always answered both, Le Roy veut, and a particular Act with Soit droit fait al partye. And 33 H. 6. 17. 18. A generall Bar is always avoided, and so this is.

2ly. For the second matter, the contempt to the command of the Adjournment, 18 Jac. it was questioned in Parliament, whether the King can adjourn the Parliament, (although it be without doubt that the King can prorogue it) And the Judges resolve, that the King may adjourn the House by Commission; and 27 Eliz. it was resolved accordingly. But this to be observed, that none was then impeached for moving this question. (1) It is to be observed, that they resolve, that the adjournment may be by Commission, but not resolved, that it may be by a verball command, signified by another; and it derogates not from the Kings prerogative, that he cannot so do, no more then in the case of 26 H. 8. 2. that he cannot grant one acre of land by patent. The King himself may adjourn the House in person, or under the great Seal, but not by verball message, for none is bound to give credit to such message; but when it is under the great Seal, it is Tesle Meipso. And if there was no command, then there can be no contempt in the disobedience of that command. (3) If this no contempt appears by the Information, for the Information is, That the King had power to adjourn Parliaments. Then put case the command be, that they should adjourn themselves; this is no pursuance of the power which he is supposed to have. The House may be adjourned two waies, to wit, by the King, or by the House it self; the last is their own voluntary act, which the King cannot compell, for, Voluntas non cogitur.

3ly. For the third matter, which is the Conspiracy: Although this be supposed to be out of the House, yet the Act is legall; for, Members of the House may advise of matters out of the House; for the House it self is not so much for consultations, as for proposition of them. And 20 H. 6. 34. is, that Esquires which are sworn for the King, may enquire of matters elsewhere. (2) For the Conspiracy to lay violent hands upon the Speaker, to keep him in the Chair; The House hath priviledge to detain him in the Chair, and it was but lightly and softly, and other Speakers have been so served. (3) The King cannot prefer an Information for trespasse, for it is said, The King ought to be informed by a Jury, to wit, by indictment or presentment. (4) This cannot be any contempt, because it appears not, that the House was adjourned; and if so, then the Speaker ought to remain in the Chair, for without him, the House cannot be adjourned. But it may be objected, that the Information is, That all these matters were done maliciously and seditiously. But to this I answer, That this is always to be understood according to the subject matter, 15 E. 4. 4. and 18 H. 8. 5. A wife that hath title to have Dower, agrees with an other

other to enter, (which hath right) that she against him may recover her Dower. This shall not be said Covin, because both the parties have right and title. (2) It will be objected, That if these matters shall not be punishable here, they shall be unpunished altogether, because the Parliament is determined. To this I say, That they may be punished in the subsequent Parliament, and so there shall be no failer of right. And many times matters in one Parliament, have been continued to another, as 4 E. 3. numb. 16. the Lord Barkley's case, 50 E. 3. numb. 185. 21 R. 2. c. 16. 6 H. 6. numb. 45, 46. 8 H. 4. numb. 12. Offences in the Forrest ought to be punished in Eyre, and Eyres oftentimes were not held, but every third year. C. 9. Epistle, and 36 E. 3. c. 10. A Parliament may be every year. Errour in this Court cannot be reversed but in Parliament. And yet it was never objected, that therefore there shall be a failer of Right. 25 E. 3. c. 2. If a new case of treason happen, which is doubtfull, it shall not be determined till the next Parliament. So in Westm. 2. c. 28. where a new case happens, in which there is no Writ, stay shall be made till the next Parliament. And yet in these cases, there is no failer of Right. And so the Judges have always done in all difficult cases; they have referred the determination of them to the next Parliament, as appears by 2 E. 3. 6, 7. 1 E. 3. 8. 33 H. 6. 18. 5 E. 2. Dower, 145. the case of Dower of a Rent-charge. And 1 Jac. the Judges refuse to deliver their opinions concerning the union of the two Kingdoms. The present case is great, rare, & without president, therefore not determinable but in Parliament. And it is of dangerous consequence; for (1) by the same reason, all the Members of the House of Commons may be questioned. (2) The parties shall be disabled to make their defence, and the Clerk of Parliament is not bound to disclose those particulars. And by this means, the debates of a great Councill shall be referred to a petty Jury. And the parties cannot make justification, for they cannot speak those words here which were spoken in the Parliament, without slander. And the Defendants have not means to compell any to be witnesses for them; for the Members of the House ought not to discover the counsell of the House: So that they are debar'd of justification, evidence, and witnesse. Lastly, by this means, none will adventure to accuse any offender, in Parliament, but will rather submit himself to the common danger; for, for his pains he shall be imprisoned, and perhaps greatly fined: And if both these be unjust, yet the party so hered can have no recompence. Therefore, &c.

The Court. The question is not now, whether these matters be offences, and whether true or false. But, admitting them to be offences, the sole question is, Whether this Court may punish them; so that a great part of your Argument is nothing to the present question.

At another day, being the next, Calthrop argued for Mr. Valentine, another of the Defendants.

Mr. *Calthrop's* Argument for Mr. *Valentine.*

1st. In generall, he said, for the nature of the crimes, that they are of four sorts.

1. In Matter.
2. In Words.
3. By Consent.
4. By Letters.

Two of them are laid to the charge of this Defendant, to wit, The crime of the Matter, and of Counsel. And of offences, Bracton makes some publick, some private. The offences here are publick. And of them, some are capitall, some not capitall as assault, conspiracy, and such like, which have not the punishment of life & death. Publick crimes capitall, are such as are against the Law of Nature, as treason, murder; I will agree, that if they be committed in Parliament, they may be questioned else-where out of Parliament. But in our case, the crimes are not capitall, for they are assault & conspiracy, which in many cases may be justified, as appears by 22 H. 7. Keilw. 92. 2 all. 3 H. 4. 10. 22 E. 4. 43. Therefore this Court shall not have jurisdiction of them, for they are not against the Law of Nations of God, or Nature. And if these matters shal be examinable here, by consequence all the actions of Parliament-men may be drawn in question in this Court. But it seems by these reasons that this Court shall not have jurisdiction as this case is:

1. 1ly. Because these offences are justifiable, being but the bringing the Speaker to the Chair, which also perhaps was done by the Votes of the Commons; but if these matters shall be tryed in this Court, no tryall can be, for upon issue of his own doing, he cannot be tryed, because Acts done in the House of Commons are of Record, as it was resolved in the Parliament, 1 Jac. and 16 H. 7. 3 C. 9. 31. are, that such matters cannot be tryed by the Country. And now they cannot be tryed by Record, because, as 29 H. 8. Dy. 32. is, an inferiour Court cannot write to a superiour. And no Certiorari lies out of the Chancery, to send this here by Mittimus, for there never was any president thereof; and the Book of the House of Commons, which is with their Clerk, ought not to be divulged. And C. Littl. is, that if a man be indicted in this Court for Piracy committed upon the Sea, he may well plead to the jurisdiction of this Court, because this Court cannot try it.

2. 2ly. It appears by the old Treatise, de modo tenendi Parliamentum, that the Judges are but assistants in the Parliament; and if any words or acts are made there, they have no power to contradict or controul them. Then it is incongruous, that they, after the Parliament dissolved, shall have power to punish such words or acts, which at the time of the speaking or doing, they had not power to contradict. There are superiour, middle, and more inferiour Magistrates; and the superiour shall not be subject to the controll of the inferiour. It is a Position, that in pares est nullum imperium, multò minus in eos qui majus imperium habent. C. Littl. saies, that the Parliament is the supream Tribunal of the Kingdom, and they are Judges of the supream Tribunal; therefore they ought not to be questioned by their inferiours. (3) The offences objected do concern the priviledges of Parliament, which priviledges are determinable in Parliament, and not elle where, as appears by the presidents which have been cited before. (4) The common Law hath assigned proper Courts for matters, in respect of the place and persons, viz. for the place. It appears by 11 E. 4. 2. & old Entries, 101. that in an Ejectione firmæ, it is a good plea, that the land is ancient demesne, and this excludes all other Courts. So it is for land in Durham, old Entries, 419. for it is questionable there, if not out of the County. 2ly. For persons, H. 15. H. 7. roll 93. old Entries, 47. If a Clerk of the Chancery be impleaded in this Court, he may plead his priviledge, and shall not answer. So it is of a Clerk of

of the Exchequer, old Entries, 473. then much more when offences are done in Parliament, which is exempt from ordinary jurisdiction, they shall not be drawn in question in this Court. And if a man be Indicted in this Court, he may plead Sanctuary, 22 H. 7. Keilw. 91. and 22. and shall be restored, 21 E. 3. 60. The Abbot of Bury's case is to the same purpose. (5) For any thing that appears, the House of Commons had approved of these matters, therefore they ought not to be questioned in this Court. And if they be offences, and the said House hath not punished them, this will be a casting of imputation upon them. (6) It appears by the old Entries, 446, 447, that such an one ought to represent the Borough of St. Jermans, from whence he was sent; therefore he is in nature of an Ambassadour, and he shall not be questioned for any thing in the Execution of his office, if he do nothing against the Law of Nature or Nations, as it is in the case of an Ambassadour. In the time of Queen Elizabeth, the Bishop of Rosse in Scotland, being Ambassadour here, attempted divers matters against the State; and by the opinion of all the Civilians of the said time, he may be questioned for those offences, because they are against the Law of Nations and Nature; and, in such matters, he shall not enjoy the priviledges of an Ambassadour. But if he commit a civill offence, which is against the Municipall Law onely, he cannot be questioned for it, as Bodin. de Republica, agrees the case. Upon the Statute of 28 H. 8. c. 15. for tryall of Pirats, 13. Jac. the case fell out to be thus. A Jew came Ambassador to the United Provinces, and in his journey he took some Spanish ships, and after was driven upon this coast. And agreed upon the said Statute, that he cannot be tryed as a Pirat here by Commission, but he may be questioned civiliter in the Admiralty: For, Legati suo Regi soli judicium faciunt. So Embassadors of Parliament, soli Parliamento, to wit, in such things which of themselves are inquirable. (7) There was never any president, that this Court had punished offences of this nature committed in Parliament, where any plea was put in, as here it is to the jurisdiction of the Court; and where there is no president, non-usage is a good Expositor of the Law. Lord Litt. Section 180. Co. Litt. f. 81. saies, As usage is a good interpreter of the Lawes, so non-usage, where there is no example, is a great argument, that the Law will not bear it. 6 Eliz. Dy. 229. upon the Statute of 27 H. 8. of Incolments, that bargain and sale of a Mannor in London ought not to be enrolled; the reason there given is, because it is not used. 23 Eliz. Dy. 376. No errour lies here of a Judgment given in the five Ports, because such writ was never seen, nor in the Records of Courts it is said, That errour lies of a Judgment given in the five Ports, 39 H. 6. 30. by Aubrey, that a writ to go to Rome was never seen, therefore he disallowed it. (8) If this Court shall have Jurisdiction, the Court may give judgment according to Law, and yet contrary to Parliament Law, for the Parliament in divers cases hath a peculiar Law. As concerning the Statute of 1 H. 5. c. 5. that every Burgesse ought to be resident within the Burrough for which he is Burgesse, per the ancient usage of Parliament is contrary thereunto, and if such matter shall be in question before ye, ye ought to adjudge according to the Statute, and not according to their usage. So the House of Lords hath a speciall

Law also, as appears by 11 R. 2. the Roll of the Process and Judgment, (which hath been cited before to another purpose) where an appeal was not according to the due Law of either, yet it was good according to the course of Parliament. (9) Betaule this matter is brought in this Court by way of Information, where it ought to be by way of Indictment. And it appears by 41 Ass. p. 12. that if a Bill of Mistery be brought in this Court, where it ought to be by Writ, this matter may be pleaded to the Jurisdiction of the Court, betaule it is vi & armis, and contra pacem. It appears by all our Books, that Informations ought not to be grounded upon Tumults, but upon matter of Record, 4 H. 7. 5. 6 E. 6. Dy. 74. Information in the Exchequer, and 11 H. 8. Keilw. 101. are to this purpose. And if the matter be vi & armis, that it ought to be found by Enquest, 2 E. 3. 1, 2. Appeal shall not be granted upon the Return of the Sheriff, but the King ought to be certified of it by Indictment, 1 H. 7. 6. and Stamf. f. 95. a. upon the Statute of 25 E. 3. c. 4. that none shall be imprisoned but upon Indictment or Presentment; and 28 E. 3. c. 3. 42 E. 3. c. 3. are to the same purpose. And here, this Information ought to have been grounded upon Indictments, or other matter of Record, and not upon bare Intelligence given to the King. (10) The present case is great and difficult, and in such cases, the Judges have always stood Sentinels of Jurisdiction, as appears by Bracton, book 2. f. 1. si aliquid novi non usitatum in Regno acciderit, 2 E. 3. 6, 7. and Dower 243.

Now I will remove some objections which may be made.

1. Object. It is objected, that the King is Sovereign, it is in his election to bring his Action in what Court he pleases. This is true in some sense, as hath been resolved, That the King is not restrained by the Statute of Magna Charta, Quod communia placita non sequantur Curiam nostram; for he may bring his Quare impedit in B. R. And if it concerns Durham, or other County Palatine, yet the King may bring his Action here; for the said Courts are created by Patent, and the King may not be restrained by Parliament, or by his own Patent, to bring his Action where he pleases. But the King shall not have his Action where he pleases against a prohibition of the Common Law, as 12 H. 7. Keilw. 6. the King shall not have a Prohibition in Chancery. And C. 6. 20. Gregory's case, that the King shall bring an Information in an inferiour Court, the party may plead to the Jurisdiction. Also where the Common Law hath a Jurisdiction, the King hath not election of his Court.

2. Object. It is objected, that this Information is contra formam Statuti, which Statute, as I conceive, is intended the Statute of 5 H. 4. c. 6. and 11 H. 6. c. 11. which gives power to this Court to punish misdemeanors, made upon the Statutes of Labourers or Apparel. To which I say, that our case is not within those Statutes, nor the mischief of them, for it is not intendable, that the Statutes intended Informations against themselves, in point of their publishing. And this Statute is to prevent false Suggestions made by Parliament-men against Parliament-men. And Crompton's Jurisdiction of Courts, f. 8. saith, that the Statute hath been cited of Parliament-men, imprisoned and sentenced by the Masters of Parliament, (To this I say, that there it is by the Law, via facti; but via facti is not allowable via Juris, C. 4. 93. Petitions are no good Elections, where they be withheld.

3. Object. Others

Otherwise there would be a failer of Justice, wrongs shall be unpunished. To this I answer, That a mischief is oft-times rather tollerable then an inconvenience, to draw in question the priviledges of Parliament. By the antient Common Law, as it appears by 21 E. 3. 23. and 21 ass. if an Infant bring an appeal, the same shall be stayed during his infancy, because the party cannot have his tryall by Battail against the Infant; but the Law is now held otherwise in the said case. And in some cases, criminall offences shall be unpunished, 29 H. 8. Dy. 40. appeal of murder lies not for murder done in severall Counties. 4. Object.

This Court of B. R. is coram ipso Rege, the King himself by intendment is here in person. And as it is said, C. 9. 118. it is Supremum Regni Tribunal, of ordinary Jurisdiction. But to this I say, that the Parliament is a transcendent Court, and of transcendent jurisdiction; It appears by 28 ass. p. 52. that the style of other Courts is coram Rege, as well as this is, as coram Rege in Cancellaria, coram Rege in Camera; and though it be coram Rege, yet the Judges give the Judgment. And in the time of H. 3. in this Court, some Entries were coram Rege; others, Coram Hugone de Bigod. 5. Object.

The priviledges of Parliament are not questioned, but the conspiracies and misdemeanours of some of them. But to this I say, That the distinction is difficult and narrow in this case, where the offences objected are inditiable: and if they be offences, this reflects upon the House which hath not punished them. 6. Object.

The cases of 3 E. 3. 19. and 1 and 2 Phil. & Mar. have been objected. But for the last it is observable, that no plea was pleaded to the Jurisdiction, as it is in our case. And if a Parliament-man or other, which hath priviledge, be impleaded in forraign Court, and neglect his plea to the Jurisdiction, the Court may well proceed, 9 H. 7. 14. 36 H. 6. 34 H. 13 Jac. In this Court the Lord Norreys, that was a Peer of Parliament, was indicted in this Court for the murder of one Bigod, and pleaded his pardon. Now there it was doubted, how the Court should proceed against him, (for he by the Law ought to have his Tryall by his Peers) and it was resolved, that when he pleads his pardon, he confesseth his fault, thereby he gives jurisdiction to the Court, and the Court may give Judgment against him. So that those cases, where it was not pleaded to the Jurisdiction, can be no precedent in our case. 7. Object.

The priviledge here is not claimed by Prescription or Charter, therefore it is not good. But I say, that notwithstanding this, it is good; for where the Common Law gives a Court of Jurisdiction, there needs no charter or prescription, 10 H. 6. 13. 8 H. 8. Kellw. 189. Br. p. c. 515. Where Sanctuary of a Church is pleaded, there's no need to make Prescription, because every Church is a Sanctuary by the common Law. Therefore, &c. 8. Object.

Heath, the Kings Attorney, the same day argued on the other side, but briefly, first, he answered to the objections which had been made. First, he said, That Informations might well be for matters of this nature, which are not capitall; and that there are many precedents of such Informations. (But note, that he produced none of them) Sir *Rob. Heaths* Argument against Sir *John Elliot*.

1. Though it hath been objected, That they are a Councell, therefore they ought to speak freely. But such speeches which here are pronounced, 1.

2. prove

prove them not Counsellors of State, but Bedlams; the addition of one word would have made it Treason, to wit, Proditorè. But it is the pleasure of the King to proceed in this manner, as now it is. And there is great difference between Bills and Libells, and between their proceedings, as Counsell and as Mutinous.

3. 3ly. That it would be of dangerous consequence; for by this means, none would adventure to complain of grievances. I answer, They may make their complaints in Parliamentary manner, but they may not move things, which tend to distraction of the King and his Government. A

4. 4ly. These matters may be punished in following Parliaments. But this is impossible, for following Parliaments cannot know, with what minde these matters were done. Also the House of Commons is not a Court of Justice of it self. The two Houses are but one Body, and they cannot proceed criminally to punish crimes, but onely upon their Members by way of imprisonment; and also they are not a Court of Record. And they have forbid their Clerk to make entry of their Speeches, but onely of matters of course; for many times they speak upon the suddain, as occasion is offered. And there is no necessity, that the King should expect a new Parliament. The Lords may grant Commissions to determine matters, after the Parliament ended; but the House of Commons cannot do so. And also a new House of Commons consists of new Men, which have no conusance of these offences. 1 H. 4. The Bishop of Carlile, for words spoken in the Parliament, that the King had not right to the Crown, was arraigned in this Court of high-treason; and then he did not plead his priviledge of Parliament, but said, That he was Episcopus unctus, &c. B C

5. 5ly. 4 H. 8. Strode's case hath been objected. But this is but a particular act, although it be in print; for Rastall intitles it by the name of Strode; so the title, Body, and proviso of the Act are particular.

6. 6ly. That this is an inferiour Court to the Parliament, therefore, &c. To this I say, That even sitting the Parliament, this Court of B. R. and other Courts, may judge of their priviledges, as of a Parliament-man put in execution, &c. and other cases. It is true, that the Judges have oft-times declined to give their judgment, upon the priveleges of Parliament, sitting the Court. But from this it followes not, that when the offence is committed there, and not punished, and the said Court dissolved, that therefore the said matter shall not be questioned in this Court. D

7. 7ly. By this means the priviledges of Parliament shall be in great danger, if this Court may judge of them. But I answer, That there is no danger at all, for this Court may judge of Acts of Parliament. E

8. 8ly. Perhaps these matters were done by the Lords of the House; or, if they be offences, it is an imputation to the House to say, that they had neglected to punish them. But this matter doth not appear. And if the truth were so, these matters might be given in evidence.

9. 9ly. There is no president in the case; which is a great presumption of Law. But to this I answer, That there was never any president of such a fact, therefore there cannot be a president of such a judgment. And yet in the time of Queen Elizabeth, it was resolved by Brown, and many other Justices, that offences done in Parliament may be punished out of Parliament, by imprisonment or otherwise. And the F

case

case of 3 E. 3. 19. is taken for good Law by Stamf. and Fitzh. And 22 E. 3. and 1 Mar. accord directly with it. But it hath been objected, that there was no plea made to the Jurisdiction. But it is to be observed, that Ployden, that was a learned man, was one of the Defendants, and he pleaded not to the Jurisdiction, but pleaded licence to depart. And the said Information depended during all the Reigne of Queen Mary, during which time there were four Parliaments, and they never questioned this matter.

A

But it hath been further observed, That the said case differs from our case, because that there the offence was done out of the House, and this was done within the House. But in the said case, if licence to depart be pleaded, it ought to be tryed in Parliament, as well as these offences here. Therefore, &c.

And the same day the Judges spake briefly to the case, and agreed with one voice, That the Court, as this case is, shall have Jurisdiction, although that these offences were committed in Parliament.

B

After-

Afterwards the Parliament which met the 3d. *of* Novemb. 1640. *upon Report made by Mr. Recorder* Glyn, *of the ſtate of the ſeverall and reſpective caſes of Mr.* Hollis, *Mr.* Selden, *and the reſt of the imprisoned Members of the Parliament, in* tertio Caroli, *touching their extraordinary ſufferings, for their conſtant affections to the Liberties of the Kingdom, expreſſed in that Parliament; And upon Arguments made in the Houſe thereupon, did, upon the* 6th. *of* July, 1641. *paſſe theſe enſuing Votes, which, in reſpect of the reference they have in theſe laſt mentioned proceedings, we have thought fit, though out of order of time, to inſert, viz.*

July the 6th. 1641.

1. Reſolved upon the Queſtion, that the iſſuing out of the Warrants from the Lords, and others of the Privy Councill, compelling Mr. *Hollis*, and the reſt of the Members of that Parliament, 3. *Car.* during the Parliament, to appeare before them, is a breach of the priviledge of Parliament by thoſe Privy Counſellours.

2. Reſolved, &c. That the Committing of Mr. *Hollis*, and the reſt by the Lords, and others of the Privy Councill; dureing the Parliament, is a breach of the priviledge of Parliament by thoſe Lords and others.

3. Reſolved, &c. That the ſearching and ſealing of the Chamber, Study, and Papers of Mr. *Hollis*, Mr. *Selden*, and Sir. *John Eliot*, being Members of this Houſe, and dureing the Parliament, and iſſuing of warrants to that purpoſe, was a breach of the priviledge of Parliament, and by thoſe that executed the ſame.

4. Reſolved, &c. That the exhibiting of an Information in the Court of Star-Chamber, againſt Mr. *Hollis* and the reſt, for matters done by them in Parliament, being members of Parliament, and the ſame ſo appearing in the Information; is a breach of the priviledge in Parliament.

5. Reſolved, &c. That Sir *Robert Heath*, and Sir *Humphrey Davenport*, Sir *Hennage Finch*, Mr. *Hudſon*, and Sir *Robert Berkly*, that ſubſcribed their names to the Information, are guilty thereby of the breach of priviledge of Parliament.

6. Reſolved, &c. That there was delay of Juſtice, towards Mr. *Hollis* and the reſt that appeared upon the *Ha. Corp.* in that they were not bayled in Eaſter and Trinity Tearm. 5. *Car.*

7. Reſolved, &c. That Sir *Nicholas Hide*, then chief Juſtice of the Kings Bench, is guilty of this delay.

8. Reſolved, &c. That Sir *William Jones* then being one of the Juſtices of the Court of Kings Bench is guilty of this delay.

9. Reſolved, &c. That Sir *James Whitlock* Knight, then one of the Juſtices of the Court of Kings Bench is not guilty of this delay.

Ordered, That the further debate of this ſhall be taken into Conſideration on to morrow Morning.

July the 8th. 1641.

10. Reſolved upon the Queſtion, That Sir *George Crook* Knight, then one of the Judges of the Kings Bench is not guilty of this delay.

11. That the continuance of Mr. *Hollis* and the reſt of the Members of Parliament, 3. *Car.* in Priſon, by the then Judges of the Kings Bench for

for not putting in ſureties of the good behaviour, was without juſt or legall cauſe.

That the exhibiting of the Information againſt Mr. *Hollis*, Sir *John Eliot*, and Mr. *Valentine* in the Kings Bench, being members of Parliament, for matters done in Parliament, was a breach of the priviledge of Parliament. 12.

That the over-ruling of the plea, pleaded by Mr. *Hollis*, Sir *John* A *Eliot*, and Mr. *Valentine*, upon the Information to the Juriſdiction of the Court, was againſt the Law, and priviledge of Parliament. 13.

That the Judgement given upon a *Nihil dicit*, againſt Mr. *Hollis*, Sir *John Eliot*, and Mr. *Valentine*, and fine thereupon impoſed, and their ſeverall impriſonments thereupon, was againſt the Law, and priviledge of Parliament. 14.

That the ſeverall proceedings againſt Mr. *Hollis*, and the reſt, by committing them, and proſecuting them in the Star-Chamber and in B the Kings Bench, is a grievance. 15.

That Mr. *Hollis*, Mr. *Stroud*, Mr. *Valentine*, and Mr. *Long*, and the heires and Executours of Sir *John Eliot*, Sir *Miles Hubbard*, and Sir *Peter Heyman*, reſpectively ought to have reparation for their reſpective dammages and ſufferings, againſt the Lords and others of the Councill, by whoſe warrants they were apprehended and committed, and againſt the Councill that put their hands to the Information in the Star-Chamber, and againſt the Judges of the Kings Bench. 16.

That Mr. *Lawrence Whitaker*, being a Member of the Parliament, C *3 Car.* entring into the Chamber of Sir *John Eliot*, being likewiſe a Member of the Parliament, ſearching of his Trunck and Papers, and ſealing of them, is guilty of the breach of the priviledge of Parliament, this being done before the diſſolution of Parliament. 17.

Reſolved upon the queſtion, That Mr. *Lawrence Whitaker*, being guilty of the breach of the priviledges, as aforeſaid, ſhall be ſent forthwith to the *Tower*, there to remain a priſoner during the pleaſure of D the Houſe. 18.

Mr. *Whitaker* was called down, and kneeling at the Bar, Mr. Speaker pronounced this Sentence againſt him accordingly.

Mr. *Whitaker* being at the Bar, did not deny, but that he did ſearch and ſeal up the Chamber, and Trunck, and Study, of Sir *John Eliot*, between the ſecond and tenth of *March*, during which time the Parliament was adjourned: But endeavoured to extenuate it, by the confuſion of the times, at that time; the length of the time ſince the crime E was committed, being thirteen years; the command that lay upon him, being commanded by the King and twenty three Privy Counſellors.

Afterwards Mr. Recorder Glin *made a further Report to the Houſe of Commons*, viz.

F HE likewiſe reported the ſtate of the caſe, concerning the loſſes, dammages, ſufferings, & impriſonments, ſuſtained and undergone by Mr. *Vaſſell*, for denying to pay Tunnage and Poundage, (not granted by Act of Parliament) in obedience to a Declaration and Vote of this Houſe. The Warrant, which iſſued and was ſubſcribed by twelve Privy Counſellors, to ſummon nine of the Members of the Houſe of

Commons, in the Parliament of *tertio Caroli*, to appear before them during the Parliament: *viz.* Mr. *William Stroud*, Mr. *Benjamin Valentine*, Mr. *Hollis*, Sir *John Eliot*, Mr. *Selden*, Sir *Miles Hobert*, Sir *Peter Heyman*, Mr. *Walter Long*, and Mr. *William Coriton*; bearing date, *tertio Martii quarto Caroli*; and the names of the twelve Privy Counſellors that ſigned this Warrant were read. The Parliament being adjourned the ſecond of *March* to the tenth of *March*, and then diſſolved.

The Warrants under the hands of ſixteen Privy Counſellors, for committing of Mr. *Denzill Hollis*, Sir *John Eliot*, Mr. *John Selden*, Mr. *Benjamin Valentine*, and Mr. *William Coriton*, cloſe priſoners to the *Tower*, bearing date, *Quarto Martii quarto Caroli*, during the Parliament, were read, And the names of the Privy Counſellors that ſubſcribed them, were read. The Warrants under the hands of twenty two Privy Counſellors, directed to *William Boſwell* Eſq; to repair to the lodgings of *Denzil Hollis* Eſq; and to *Simon Digby* Eſq; to repair to the lodgings of Mr. *John Selden*, and to *Lawrence Whitaker* Eſq; to repair to the lodgings of Sir *John Eliot*, requiring them to ſeal up the Truncks, Studies, and Cabinets, or any other thing that had any Papers in them, of the ſaid Mr. *Hollis*, Mr. *John Selden*, and Sir *John Eliot*, were read; and likewiſe the names of the Privy Counſellors that ſubſcribed the ſaid Warrants. A Warrant under the hands of thirteen Privy Counſellors, for the commitment of Mr. *William Stroud* cloſe priſoner to the *Kings Bench*, bearing date, 2d. *April*, 1628. was read, and the names of the Privy Counſellors that ſubſcribed it: The like Warrant was for the commitment of Mr. *Walter Long* cloſe priſoner to the *Marſhall-ſea*.

The humble Memoriall of the loſſes, dammages, ſufferings, and impriſonments, ſuſtained and undergone by Alderman *Richard Chambers*, for denying to pay Tunnage and Poundage, (not granted by Act of Parliament) in obedience to a Declaration and Vote of this Houſe, was this day read.

Ordered, that it be refetred to the Committee for the Members of *tertio Caroli*, where Mr. Recorder hath the Chair; and the Committee of the Navy, joyned as to this buſineſſe; to conſider of the Memoriall of the loſſes, dammages, ſufferings, and impriſonments, ſuſtained and undergone by Alderman *Richard Chambers*, for his denying to betray the Liberty of the Subject, in paying the illegall Tax of Tunnage and Poundage, (not granted by Act of Parliament) in obedience to a Declaration and Order of this Houſe. And the Committee are to make report on *Munday* fortnight.

Reſolved, &c. That Mr. *Hollis* ſhall have the ſum of five thouſand pounds, for his dammages, loſſes, impriſonments, and ſufferings, ſuſtained and undergone by him, for his ſervice done to the Commonwealth in the Parliament of *tertio Caroli*.

Reſolved, &c. That Mr. *John Selden* ſhall have the ſum of five thouſand pounds, for his dammages, loſſes, impriſonments, and ſufferings, ſuſtained and undergone by him for his ſervice done to the Commonwealth, in the Parliament of *tertio Caroli*.

Reſolved, &c. That the ſum of five thouſand pounds be aſſigned for the dammages, loſſes, impriſonments, and ſufferings, ſuſtained and undergone by Sir *John Eliot*, for his ſervice done to the Commonwealth in the Parliament of *tertio Caroli*, to be diſpoſed of in ſuch manner, as this Houſe ſhall appoint.

Reſol-

Reſolved, &c. That the ſum of two thouſand pounds, part of four thouſand pounds, paid into the late Court of *Wards* and *Liveries*, by the heires of Sir *John Eliot*, by reaſon of his marriage with Sir *Daniel Norton's* daughter, ſhall be repaid to Mr. *Eliot*, out of the arrears of monies, payable into the late Court of Wards and Liveries, before the taking away of the ſaid late Court.

A Ordered, that it be referred to the Committee who brought in this Report, to examine the Decree made in the late Court of Wards and Liveries, concerning the marriage of Sir *John Eliot's* heir with Sir *Daniel Norton's* daughter; and what monies was paid by reaſon of the ſaid Decree, and by whom; and to report their opinions thereupon to the Houſe.

Ordered, That it be referred to the Committee of the Tower to examine after what manner Sir *John Elyot* came to his death, his uſage in the Tower, and to view the roomes and places where he was impriſoned, and where he dyed, and to report the ſame to the Houſe.

B Reſolved, &c. That the ſum of five thouſand pounds ſhall be paid unto the of Sir *Peter Heyman*, for the dammages, loſſes, ſufferings, and impriſonments, ſuſtained and undergone by Sir *Peter Heyman*, for his ſervice done to the Common-wealth in the Parliament in *tertio Caroli*.

Reſolved, &c. That Mr. *Walter Long* ſhall have the ſum of five thouſand pounds paid unto him, for the dammages, loſſes, ſufferings, C and impriſonment ſuſtained and undergone by him, for his ſervice done to the Common-wealth in the Parliament of *tertio Caroli*.

Reſolved, &c. That the ſum of five thouſand pounds ſhall be aſſigned, for the dammages, loſſes, ſufferings, and impriſonment, ſuſtained and undergone by Mr. *Strode* (late a member of this Houſe) deceaſed, for ſervice done by him to the Common-wealth, in the Parliament of *tertio Caroli*.

Reſolved, &c. That Mr. *Benjamin Valentine* ſhall have the ſum of D five thouſand pounds paid unto him, for the dammages, loſſes, ſufferings, and impriſonments ſuſtained and undergone by him for his ſervice done to the Common-wealth, in the Parliament of *tertio Caroli*.

Reſolved, &c. That the ſum of five hundred pounds ſhall be beſtowed and diſpoſed of, for the erecting a Monument to Sir *Miles Hobert*, a Member of the Parliament of *tertio Caroli*, in memory of his ſufferings for his ſervice to the Common-wealth in that Parliament of *tertio Caroli*.

E Reſolved, &c. That Mr. *Samuel Vaſſell* ſhall have the ſum of ten thouſand four hundred forty five pounds twelve ſhillings two pence paid him, for his loſſes and dammages ſuſtained, for denying to pay Tunnage and Poundage, (not granted by Act of Parliament) in purſuance and obedience to a Declaration and Vote of this Houſe.

Reſolved, &c. That this Houſe doth declare, that they will in due time take Mr. *Vaſſell* into further conſideration, for his impriſonment and perſonall ſufferings.

F Ordered, That it be recommitted to the Committee, who brought in this Report to conſider, how the ſeverall ſums of mony this day ordered to be paid, for dammages to the ſeverall Members, and others before named, for their ſufferings in the ſervice of the Common-wealth, may be raiſed.

FINIS.

FINIS.

AN INDEX

Alphabetically digested, relating to the Principal Persons and Matters contained in this Book.

A.

ABbot *Archbishop*, *his advice concerning the* Palatinate *War*, p. 12 *In disgrace at Court*, p. 61. *his Letter to the King against Toleration of Popery*, p. 85. *Still in disfavor*, p. 435. *A Commission to sequester him*, ib. *his Narrative at large containing the true cause of his being sequestred, from* p. 438. *to* 461. *His Speech concerning the Petition of Right*, p. 552

Abbot *Doctor* p. 62

Acts passed in Parliament, p. 152, 195, (644

Alford *Master* p. 568

Allured *Master his Letter to the Duke*, p. 91. *Another concerning the Duke* p. 621

Ambassadors private Instructions, p. 18

Anhault *Prince*, *made General of the* Bohemians p. 14

Arminians p. 62, 111, 177, 180, (181, 479

Arundel *Earl* p. 368, *&c.*

Ashley *Serjeant*, *questioned for words*, p. 552

Aston *Sir* Walter, p. 14, 60, 106, (107, 113, 114

Le Assemblies des notables, &c. p. (691. *And* p. 14. Appendix.

Aske *Mr. His Argument for Master* Stroud, p. 18. Appendix

B.

BAcon, *Lord Chancellor* p. 28, (29, 31, 162

Barkley *Serjeant*, *his Argument against Mr.* Stroud. Appendix, p. 21

Barkshire *Earl* p. 376

Barons of the Exchequer sent unto about Merchants goods, p. 666, 667

Beecher *Sir* William p. 430

Bethlem Gabor *assists the* Bohemians p. 12

Bohemians vide Palatinate

Book of Bounty *prohibited* p. 417

Bramston *Serjeant*, *upon the* Habeas Corpus p. 463

Bristol vide Digby.

Buckingham *writes unto* Gundamor *of King* James *dissatisfaction about the* Palatines *War*, p. 16. *Goes with the Prince into* Spain, p. 76. *Made Duke*, p. 78. *A Letter sent to him from Mr.* Allured, p. 91. *His Narrative to both Houses of Parliament*, p. 119. *The truth thereof attested by the Prince*, p. 16. *The Popes Letter to him*, p. 80. *His head demanded by the Spanish Ambassador*, p. 126. *The Duke is justified of both Houses*, ibid. *And by King* James, *who called him his disciple*, p. 127. *Is accused again by the Spanish Ambassador* p. 144 *Renders an account in Parliament of the Fleet*, p. 190. *And also speaks on his own behalf*, p. 191. *Queries in Parliament concerning the Duke*, p. 221. *Sir* John Elliot *concerning the Duke*, p. 224. *The Kings Speech on behalf of the Duke*, p. 225. *Lord Keeper to the same purpose*, p. 227. *The Duke explains the Kings and the Lord Keepers Speech in Parliament*, p. 229. *And renders an account of his Negotiation in the* Low Countreys, *and elsewhere*, p. 231. *Is vindicated by the Lord* Conway, p. 235. *The Commons present a* Remonstrance

1 Car.

againſt him, p. 247. *Private advice given him*, p. 250. *The Dukes anſwer to a Meſſage from the Commons*, p. 251. *Articles exhibited againſt him by* Briſtol, p. 266. *The Kings Meſſage on behalf of the Duke, againſt* Briſtol, p. 270. *Impeached by the Commons*, p. 307. *managed at a Conference by Eight Members*, p. 306, 307, 308, *&c. Private ſuggeſtions on behalf of the Duke*, p. 360. *The Kings Speech on his behalf*, p. 361. *A Meſſage from the Commons againſt him*, p. 361. *His Speech againſt them*, p. 367. *Sir* Dudley Carlton *concerning him*, p. 362, 363. *Diſſatisfied at the releaſe of Sir* John Elliot, p. 365. *Sir* John Elliots *explanation concerning him*, p. 366. *Is choſen Chancellor of* Cambridge, p. 375. *His Letter to that Univerſity*, p. 377. *The Kings Letter on his behalf*, p. 378. *His Speech in Parliament before he gave in his anſwer*, p. 379. *His Plea and Anſwer to the Impeachment*, p. 380, *&c. The King preſſes an Information againſt him in* Star-Chamber, p. 417. *Sets ſail with the Fleet*, p. 429. *Lands his Army at the Iſle of* Rhee, p. 430. *And had a hot encounter with the French*, p. 431. *Omits to take in the little Fort*, ibid. *Lays ſiege to the Citadel at* St. Martins, ibid. *Retreats with the Army from* Rhee, p. 469. *Declared cauſe of all grievances*, p. 615. *Deſires to clear himſelf concerning ſome words ſuppoſed to be ſpoken by him*, p. 639. *and charges one* Melvin *for ſpeaking words againſt him*, ibid. *Is ſlain at* Portſmouth, p. 647. *The King received news of his Death*, ibid.

Burlacy *Sir* John, p. 15

Burroughs *Captain* p. 15, 40

Burroughs *Sir* John *ſlain at* Rhee, p. 200

C.

Caltrop *Mr.* p. 464. Appendix 49

Carlile *Earl* p. 173

Carlton *Sir* Dudley, p. 76. 362, 363

Carmarthen *Mr. his Anſwer about Cuſtoms* p. 668

Cautionary Towns in the Netherlands *delivered up* p. 3

Chambers *Mr. queſtioned at the Council, and committed*, p. 651. *Brings his* Habeas Corpus, ibid. *is bailed*, p. 652. *his Goods ſeiſed on for not paying of Cuſtoms*, p. 653. *A Writ of Replevin denied him*, ibid. *Proceedings in* Star-Chamber *againſt him*, p. 680. *His Sentence* p. 681. *His ſubmiſſion tendred*, p. 682. *His refuſal thereof*, p. 683. *His Plea in the Exchequer againſt the juriſdiction of the Court of* Star-Chamber, ibid. *Brought upon* Habeas Corpus, p. 686. *His Petition to the long Parliament*, p. 687. *His Death* p. 689

Charls *Prince, his Letter to* Philip *the Fourth of* Spain *about the Match*, p. 59. *Goes diſguiſed into* Spain, p. 76. *Had a ſight of the Princeſs* Henrietta Maria *as ſhe paſſed through* France, ibid. *His reception and entertainment in* Spain, p. 77. *Endeavors uſed to make him change his Religion*, p. 78. *The Popes Letter to him*, ibid. *His Anſwer thereunto*, p. 82. *Swears to Articles of Marriage*, p. 86. *The Oath taken by him*, p. 88. *Swears to private Articles*, p. 88, 89. *And afterwards findes delays in* Spain, p. 102. *Reſolves to depart thence and leave a Proxy with* Briſtol, p. 103. *Feaſts the Spaniſh Dons aboard his Ship*, p. 104. *Arrives ſafe in* England, ibid. *Left private Inſtructions with* Briſtol *to contradict the Proxy*, ibid. *Atteſts the Dukes Narrative in Parliament*, p. 119

Is Proclaimed King, p. 169. *New ſwears the old Privy Council*, ibid. *Purſues their Advice*, p. 170. *Puts forth a Proclamation of Government*, p. 171. *Attends in perſon his Fathers Funeral*, ibid. *Continues the Duke intimately in favor*, ibid.

ibid. *Levies Soldiers for the* Palatinate, p. 172. *Signs the Articles of Marriage with* France, ibid. *The Marriage ſolemniſed in* France, p. 173. *Sends the Duke of* Buckingham *into* France *to attend the Queen into* England, p. 174. *And meets the Queen at* Dover, ibid. *The Marriage conſummated at* Canterbury, ibid. *Brings her to* London, ibid. *His firſt Speech in Parliament*, p. 175. *The Lord Keepers Speech by his direction*, p. 176. *Owns* Montague *as his ſervant*, p. 178. *Adjourns the Parliament to* Oxford, ibid. *His Ships employed againſt* Rochel, ibid. *His Speech at the Parliament in* Oxford, p. 181. *Seconded by the Lord* Conway *and Secretary* Cook, p. 182. *He Anſwers the Commons Petition againſt Recuſants*, p. 185. *Sends a Meſſage for ſupply*, p. 194. *The Commons inſiſting ſtill upon grievances, he diſſolves the Parliament*, p. 195. *And follows his deſign of War*, ibid. *Sends out Privy Seals for money*, p. 196. *Diſarms Recuſants*, p. 198. *Sends out his Fleet and Army under command of Viſcount* Wimbleton, p. 198, 199. *Their unſucceſsful Voyage*, p. 200. *He now prohibites trade with* Spain, p. 201. *Takes the Seal from Lord Keeper* Williams, p. 202. *Calls a Parliament*, ibid. *Prepares for his Coronation*, p. 203. *Commands all of Forty pound* per annum *to appear, and receive the Order of Knighthood*, ibid. *The manner of his Coronation*, p. 204. *The King is preſent at the opening of the ſecond Parliament*, p. 206. *And commands the Lord Keeper* Coventry *to ſpeak what he intended himſelf to have ſaid*, ibid. *Forbids reſort to hear Maſs*, p. 216. *The Kings Letter to the Commons to haſten ſupply*, p. 218. *Seconds it with a Meſſage*, p. 219. *To which the Commons ſent an Anſwer*, p. 220. *The Kings Reply*, ibid. *And ſends another Meſſage concerning Mr.* Cook *and Doctor* Turner, p. 222. *Three Subſidies and three Fifteens Voted to be given him*, p. 225. *And hot Debate againſt the Duke*, ibid. *Whereupon the King ſpeaks to the Parliament*, ibid. *And refers to the Lord Keeper to ſpeak further*, p. 225, 226, *&c.* *And ſpeaks again himſelf*, p. 229. *His Speech explained by the Duke*, ibid. *Receives a Petition touching Nobility*, p. 237. *His Letter to* Briſtol, p. 241. *His Meſſage concerning* Briſtol, p. 243. *Receives a Remonſtrance from the Commons concerning the Duke*, p. 247. *Adjourns the Parliament for a week*, p. 250. *He is attended by ſome Biſhops concerning the Duke*, p. 251. *Leaves the Houſe at liberty to preſent the matter concerning the Duke*, p. 252. *His Meſſage on behalf of the Duke againſt* Briſtol, p. 260. *His Speech on behalf of the Duke*, p. 361. *Commits Sir* Dudley Diggs *and Sir* John Elliot, p. 362. *Releaſes them*, p. 364. *His Meſſage concerning the Earl of* Arundel, p. 368. *His Anſwer to the Lords Petition*, p. 371, 372. *His further Anſwer concerning the Earl of* Arundel, p. 373. *Another Meſſage from the King concerning the ſaid Earl*, p. 374, 375. *The Earl of* Arundel *ſet at liberty*, p. 375. *His Meſſage to the Parliament, that they hinder not the Election of the Duke, as Chancellor of* Cambridge, p. 376, 377. *His Letter to that Univerſity on the Dukes behalf*, p. 378. *His Letter to the Speaker concerning Supply*, p. 394. *The Commons Petition him againſt Recuſants*, p. 395. *A Speech made to him by Sir* Hennage Finch *concerning the Duke*, p. 401. *His Commiſſion to diſſolve the Parliament*, p. 403. *The Parliaments Remonſtrance to him*, p. 404, 405, *&c.* *His Proclamation againſt the ſaid Remonſtrance*, p. 415. *And another againſt diſputing about* Arminian *Controverſies*, p. 416. *Cauſes an Information to be preferred againſt*

the Duke, p. 417. Prohibites the Book of Bounty, ibid. Takes the Forfeiture arising from Recusants, ibid. Grants a Commission to compound with Recusants, p. 418. His Proclamation to make his Revenue certain, ibid. Sends to his Nobles to lend him money, ibid. Demands of the City of London the Loan of One hundred thousand pounds, p. 419. Requires Port Towns to furnish Ships, ibid. Which the Ports in Dorsetshire dispute, ibid. The City of London the like, and are checked, ibid. Issues forth Privy Seals, p. 420. Requires inhabitants in Port Towns to repair to their Houses, ibid. Sends Ships to the River Elbe, ibid. Declares the King of Denmarks overthrow to be one ground of the Loan, p. 422. Puts forth a Declaration concerning the Loan, ibid. Gives private Instructions concerning the Loan, ibid. Grants a Commission for Martial Law, p. 423. Displaces Sir Randal Crew about the Loan, and makes Sir Nicholas Hide Chief Justice, p. 424. Sends Six thousand English into the Netherlands, pag. 425. Makes Sir Charles Morgan General of them, ibid. Causes refusers of Loan money to be prest for Soldiers, p. 426. Dissatisfied with the French about the Queen, p. 427. and dismisses them, p. 428. His Declaration concerning a War with France, p. 429. Makes the Duke of Buckingham Admiral and General, and gives him a Commission, ibid. Secures several Gentlemen for not paying the Loan money, p. 433. Grants a Commission to sequester Archbishop Abbot, p. 435. Appoints a supply to be sent to the Duke under the Earl of Holland, p. 466. A List of the Debt the King owes for Fraights of Ships upon the two Expeditions to Cadize and Rhee, p. 470. Calls a Parliament, p. 476. Set at liberty the imprisoned Gentlemen about the Loan money, p. 477. A List of those Gentry imprisoned by the King about Loan money, ibid. His Commission for an Imposition in nature of an Excise considered of, p. 478. His Privy Seal to pay Thirty thousand pound for raising of German Horse, ibid. His Speech at the opening of the Third Parment, p. 480. Lord Keepers Speech by his direction, p. 481. The Speakers Speech to him, p. 484. Petition to him for a Fast, p. 494. His propositions for supply, p. 502. His Propositions touching supply again mentioned, p. 509. His Answer to the Petition against Recusants, p. 511. His Propositions debated, p. 525, 526. His Message concerning words said to be spoken, p. 529. Another Message to secure Liberties by Bill, p. 530, 531. Subsidies resolved to be presented unto him, ibid. The Kings Answer concerning the same, ibid. The Dukes Speech concerning the Commons liberal gift to the King, ibid. A Message from him against a Recess at Easter, p. 543. A Message from the King to hasten supply, p. 544. The Speakers Speech unto him at the delivery of the Petition against Billeting of Soldiers, 546. His Answer to that Petition, p. 552. The Lord Keepers Speech by his Command, to rely on the Kings word, p. 555. Secretary Cooks Speech thereupon, on behalf of the King, p. 555, 556. Sir Benjamen Rudiards Speech concerning the Kings word, p. 557. The King sends another Message by Secretary Cooke, to know whether the Parliament will or no relie on his word, p. 558, 559. Several debates thereupon, ibid. He sends another Message, that he intendeth shortly to end that Session, p. 560. Debates thereupon, p. 561. The Speakers Speech in Answer to

to the Kings ſeveral Meſſages, ibid. *The Kings Anſwer thereunto.* p. 562. *The King ſends another Meſſage to relie on his word*, p. 563. *Several Debates thereupon*, ibid. *The Petition of Right to be preſented to the King, delivered at a Conference*, p. 564. *His Letter declaring that he will preſerve* Magna Charta *&c. communicated at a Conference*, p. 565, 566. *The Lords Addition to the Petition of Right to have a ſaving for Soveraign power*, p. 567. *Several Debates and Conferences thereupon, ſhewing the danger of ſuch a* Salvo, p. 568, 569, *&c. The Lords agree to the Petition of Right without the Addition*, p. 592. *The Kings and Lord Keepers Speech at the preſenting of the Petition of Right*, p. 596. *The Petition of Right at large*, p. 597. *The Kings Anſwer thereunto*, p. 598. *Not ſatisfactory, and ſeveral Speeches thereupon*, p. 598, 599, *&c. A Meſſage from the King to end the Seſſion on ſuch a day*, p. 601. *He ſends another Meſſage that he will certainly hold his day to end the Seſſion*, p. 613. *Several Debates thereupon, and the Duke declared the cauſe of all Grievances*, p. 613, 614, *&c. The King commands the Houſe to adjourn*, p. 616. *The Lords Addreſs to the King, to prevent a diſſolution*, ibid. *The King ſends another Meſſage to qualifie his former Meſſages*, p. 622. *Several Speeches thereupon*, p. 623. *The Kings Privy-Seal for payment of monies to raiſe German Horſe*, p. 624. Burlemachs *Examination, that they were to be imported into* England, ibid. *The King receives a Petition from both Houſes for a better anſwer to the Petition of Right*, p. 625. *The Kings fuller Anſwer thereunto, and his Speech*, ib. *The Kings Commiſſion for raiſing of Monies by way of Impoſition*, p. 626. *Debates thereupon*, p. 627. *Debates about a Remonſtrance to the King againſt the Duke*, p. 628. *A Remonſtrance to the King againſt the Duke*, p. 631, 632, *&c. The King cauſeth the Proceedings in the* Star-chamber *againſt the Duke to be taken off the File*, p. 638. *And cauſeth the Commiſſion for Exciſe to be cancelled*, p. 640. *A Remonſtrance to him concerning Tonnage and Poundage*, ibid. *The King ends the Seſſion of Parliament*, p. 643. *A Particular of ſuch Laws as he paſſed that Seſſion of Parliament*, p. 644. *Suppreſſes Dr* Manwaring's *Sermon by Proclamation*, p. 645. *Grants a Commiſſion to compound with Recuſants*, ibid. *His Proclamation againſt the Biſhop of* Calcedon, ibid. *Sends Romiſh Prieſts to* Wisbitch, p. 646. *Advances Sir* Rich. Weſton *to be Lord Treaſurer, Biſhop* Laud *to the Biſhoprick of* London, *and* Montague *to a Biſhoprick*, ibid. *Pardons* Montague *and* Manwaring, p. 647. *Solicited to ſend Relief to the King of* Denmark *under Sir* Charls Morgan, p. 648. *Adjourns the Parliament that was to meet the* 20 *of* October, *to the* 20 *of* January, p. 650. *Takes the advice of the Judges about racking of* Felton, ibid. *Declares his reſolution about taking the Impoſition upon Currants*, p. 651. *Conſults with certain of his Council concerning the enſuing Parliament*, p. 654. *His Speech at the ſecond meeting of the Parliament*, p. 656. *Sends a Meſſage about the Bill for Tonnage and Poundage*, p. 657. *Sends a Meſſage to give precedency to Tonnage and Poundage*, p. 658. *Petition to him for a Faſt*, p. 662. *His Anſwer thereunto*, p. 663. *Notwithſtanding his Meſſage, precedency given to Religion*, ibid. *His Anſwer to that Particular*, p. 664. *His Declaration againſt Diſputes about Religion debated*, p. 665. *A Report concerning his Pardon to* Manwaring *and* Montague, p. 667. *His Meſſage about Cuſtoms*, p. 668. *His Commiſſion about it*, p. 669. *His Declaration*

claration concerning the dissolving the third Parliament at large, App. (p. 1.
Common Fame, p. 221, 222.
Conway Lord, p. 12, 23, 178, (182, 185, 235, 238, 243, (268, 292, 450, 451, 455, &c.
Cook Secretary, p. 182, 498, (501, 502, 531, 544, 54, 558, (559, 560, 563.
Cook Mr. p. 218, 222, 229
Cook Sir Edward, p. 201, 497, 505, (508, 526, 529, 538, 543, (564, 615, 627.
Corriton Mr. p. 660
Coronation, p. 203, 204
Cottington Mr. p. 9, 13, 18, 76, 122
Cotton Sir Robert, p. 20, 471
Coventry Sir Thomas made Lord Keeper, p. 202. His Speeches in Parliament, p. 206, 225, 481, 555, (567, 592, 596, 623.
Privy Council new sworn, p. 169. They write to Dalbeir about disposing the German Horse, p. 648.
Creswel Mr. 502.
Crew Sir Randolf displaced about the Loan, p. 424.
Crew Sir Thomas, p. 55, 117, 149, 150. Again made Speaker, p. 176.
Cromwel Oliver against the Bishop of Winchester, p. 667.
Cromwel Lord, p. 199.
Crosby Sir Piercy, Lands with Supply of men, p. 467.

D.

DArnel Sir Thomas about Habeas Corpus, p. 462.
Davenport Serjeant Argument, App. (p. 27.
Dawes Mr. his Answer about Customs, p. 668.
Decimation projected, 5 Car. App. (p. 14.
Denmark King his Declaration, p. 421. His Battel, ibid. His overthrow, p. 422.
Digby Sir John his discourse betwixt the Duke of Lerma, about a Match with Spain, p. 1. His advice to the King in that matter, p. 2. Is authorised to treat and conclude the Match, p. 3. Presents the first draught of Articles, p. 4. Sent Ambassador into Flanders, p. 23. The substance of his Ambassie to the Emperor, and Duke of Bavaria, p. 37. Gives an account in Parliament, p. 39. Made Earl of Bristol, p. 67, 68. A Letter to him from the King, p. 68. Gives the King hope of a Match, p. 69. Hath a Proxy delivered to him by the Prince to consummate the Marriage, p. 103. Receives also private instructions not to put it in execution, p. 104. Labors to satisfie the Prince to recal his instructions, but in vain, p. 105. He and Sir Walter Aston again attempt it, but in vain, p. 106. Bristol sends his Apology to K. James for demurring upon the new instructions, p. 112. Hath a tender of large offers from the K. of Spain, p. 113. Protests against the Dukes Narration in Parliament, p. 149. A Letter from the Lord Conway to him, p. 238. His answer to the Lord Conway, p. 239. His Petition for a Writ of Summons, p. 240. The Kings Letter to him, p. 241. He Petitions the Lords again about his Writ of Summons, ibid. And desires to be heard in the Accusation of the Duke, ibid. Sends a Copy of the Lord Keepers Letter, p. 242. With his Answer thereto, p. 243. A Message from the King concerning him, ibid. He is brought to the Bar, p. 252. Articles preferred against him by the Kings Command, p. 253. His expressions at the time of his accusation, p. 258. His Speech at the delivery of the Articles against the Duke, p. 259. Articles exhibited by him against the Duke, p. 266. And also against the Lord Conway, p. 268. A Message from the King against Bristol, p. 270. Reasons why he should onely be tried in the House of Peers, p. 271. Judges opinions concerning that particular, p. 272. His Speech by way of Introduction before

before he gave in his Answer to the Articles, p.273,274, *&c. His Answer to the Articles*, p.278, 279, *&c.*
Dudley *Sir* Diggs, p.55, 306, 307, 360, 364, 365, 454, 533, 544, 554, 614.
Doncaster *Viscount sent Ambassador*, p.11, 13, 22.
Drummond *Mr.* p.167.

E.

EArl *Sir* Walter *upon a* Habeas Corpus p.462.
Edmonds *Sir* Thomas p.660.
Elector vide Palatinate.
Elliot *Sir* John p. 224, 357, 360, 366, 433, 529, 532, 561, 563, 544, 554, 614, 660, 669. *Information against him in the* Upper Bench, p. 693, 696, 697, *&c.*
Emperor vide *the* Palatinate.
Essex *Earl* p. 200.

F.

FAirfax *Captain*, p.15. *A Monument erected at* Frandendale *in memory of him, and Mr.* John Fairfax *his Brother, both slain in the defence thereof* p.155
Felton *visited in prison, and confesses the Fact*, p.650. *His examination before the Council*, ibid. *Threatned to be rackt*, ibid. *Tryed*, p.652. *Tendereth his hand to be cut off*, ib. *Hung in Chains* p.653.
Finch *Sir* Hennage *Speaker*, p. 208, 401
Finch *Sir* John *Speaker*, p.484, 561
Fleetwood *Sir* Miles p.561
France *about a Treaty of Marriage*, p.156, 114. *A Marriage there*, p.172, 173. *Difference with* France p.428

G.

GAge *Mr. sent to* Rome, p.23, 66, 121
Glanvile *Serjeant*, p. 313, 318, 574
Glynn *Mr. Recorder*, Ap. 56, 57
Gundamor *flatters King* James, p.3. *The Treaty on the Spaniards behalf*, ibid. *Contrives Sir* Walter Rawleighs *death*, p. 4, 16, 18, 20. *Assaulted in* London *Streets*, p.34. *A Letter to him to expedite the Match*, p. 69, *see* 113, 122
Gorge *Sir* Ferdinando, p. 180
Germany *vide* Palatinate.

H.

HAbeas Corpus *Debates and Arguments*, p. 462, 463, &c. *Also* vide *Parliament* quarto Car. *and* Appendix.
Hackwel *Mr.* p. 507, 528, 568
Hayman *Sir* Peter p. 528
Heath *Sir* Robert, p. 216, 667, 689. Ap. 39, 53
Henry *Prince, a Match proposed between him and a Daughter of* Spain, p. 1
Herbert *Mr.* p. 312
Herbert *Sir* Gerrard, p. 15, 69
Herbert *Sir* Edward, p. 43
Heveningham *Sir* John *brings his* Habeas Corpus, p. 462
Heidelburg, p. 66, 69
Hobby *Sir* Thomas, p. 528
Holland *Earl*, p. 173, 469, 470
Hollis *Mr.* p. 676, 689, 693
Hubbard *Sir* Miles *brought upon a* Habeas Corpus, p. 689
Hide *Sir* Nicholas *made Chief Justice*, p. 424

I.

IAmes *King of* Scotland *affects the Title of Peace-Maker*, p. 1. *Desires to Match Prince* Charls *with some great Princess, though of different Religion*, ibid. and 50. *Inclines to a Match with* Spain, p. 2. *Flattered by* Gundamor, p. 3. *Delivers up the cautionary Towns*, ibid. *Gives a Commission to* Digby *to Treat on a Marriage*, ibid. *Receives Articles about Religion out of* Spain, p. 4. *Imployes Sir* Walter

ter Rawleigh *upon a deſign into* America, p.4,5. *Too credulous of the* Spaniard, p.8. *A Letter ſhewing upon what account the King gave way to the beheading of Sir* Walter Rawleigh, p.9. *Sends Viſcount* Doncaſter *Ambaſſador*, p. 11, 13. *His advice craved by the Count* Palatine, p.12. *He diſlikes the* Palatines *acceptance of the Crown*, p. 13 *a*. 14 *b*. 16 *a*. *Goes to war with one Regiment to aſſiſt the* Palatines, p.14. *Receives news of the defeat given the* Palatine *at* Prague p.17. *Raiſes money by advice of Privy Council*, ibid. *Flattered again by the* Spaniard, p. 18. *The* Spaniards *ſecret Inſtructions in reference to the King*, ibid. *He calls a Parliament*, p. 20. *Forbids diſcourſe of State affairs*, p.21. *His Speech to the Parliament*, ibid. *Sends* Digby *Ambaſſador into* Flanders, p. 23. *His ſecond Speech in Parliament about Projectors*, p.24. *Speaks on behalf of the Duke*, p. 26, 27. *Sends a Meſſage againſt Sir* Henry Yelverton, p. 33 *d*. *Intends to adjourn the Parliament*, p. 35. *The Commons Declaration about the* Palatinate *before the adjournment*, p.36. *Reforms grievances by Proclamation*, ibid. *Again forbids ſpeaking of State Affairs*, ibid. *Gives the Great Seal to Dean* Williams, ibid. *Reaſſembles the Parliament*, p. 39. *In his abſence the Lord Keeper ſpeaks*, ibid. *Is tryed with a Petition and Remonſtrance from the Commons*, p. 40. *Writes to the Speaker*, p.43. *Anſwers the Petition*, p.46,47. *His Anſwer qualified by the Lord Keeper*, p.52. *The Commons Proteſtation*, p.53. *The King tears it out of the Journal*, ibid. *Commits ſome Members of Parliament*, p.55. *Imployes others to* Ireland, ibid. *Again forbids ſpeaking of State Affairs*, ibid. *Offers terms to the Emperor on behalf of the* Palatinate, ibid. *Receives an Anſwer from the Emperor*, p.56. *Writes to* Philip *the Fourth to accelerate the Match*, p.57. *Alſo to Don* Balthazar, p. 59. *Writes for the raiſing of moneys*, p. 61. *Oppoſes the Arminian Sect*, p. 62. *Shews favor to Recuſants*, ibid. *Lord Keeper excuſes the Kings favor to Recuſants*, p. 63. *Writes to the Archbiſhop about regulating the Clergy*, p.64. *Gives direction concerning Preachers*, ibid. *New conditions demanded of him by the Pope*, p. 66. *His Anſwer to thoſe demands*, p.67. *His Letter to* Digby, p. 68. *Sends him a diſpatch in a peremptory ſtile concerning* Heidelburgh, p. 70. *Signs the Popes demands*, p.73. *Writes again to* Briſtol *concerning the* Palatinate, p. 74. *Sends the Prince into* Spain, p.76. *Archbiſhop* Abbots *Letter to the King againſt Tolleration of Popery*, p. 85. *Articles of Marriage ſworn to by him*, p.86. *The Oath taken by him*, p. 88. *He ſwears alſo to private Articles*, p.88, 89. *Pope* Urban *writes to King* James, p.95. *After the Princes arival, ſends to* Briſtol *not to deliver the Proxy without reſtitution of the* Palatinate, p.105. *And writes to the* Palatine *to make his ſubmiſſion to the Emperor*, p.108. *The* Palatines *Anſwer*, p. 109. *Seeks a match with* France, p. 114. *Calls a Parliament about the Treaty with* Spain, p. 115. *Makes a Speech*, ibid. *Alſo another Speech in juſtification of the Duke*, p. 127. *He makes a third ſpeech unto them concerning their advice to break off the Match*, p. 129. *Deſires he may not have a Furrow of Land left without Reſtitution of the* Palatinate, p. 130. *Scruples at the word inſincerity of the King of* Spain, p. 136. *Declares his reſolution to diſſolve the Treaties*, p.138. *Accepts Subſidies, and makes another Speech to the Parliament*, ibid. *Offers to go to war in his own perſon*, p. 139. *Is troubled at a Petition againſt Recuſants*, p. 140. *That he hath broke*

broke the neck of three Parliaments, ibid. *His Answer to that Petition*, p. 143. *Receives information concerning the Duke*, p. 144. *His Speech at the adjournment of the Parliament*, p. 150. *A Particular of what Laws he then passed*, p. 152. *Desires a Match with* France, p. 156. *Which he concludes*, ibid. *And the Articles are sworn unto*, ib. *He gives a Commission and Oath to Count* Mansfield, p. 158. *He dies of a Fever*, p. 159. *His Character*, p. 159, 160, 161. *&c. His Letter to Pope* Clement, p. (165

Jermyn *Sir* Thomas, p. 629

Jesuites, 22. *a.* 143, 150. *Letter concerning the Parliament*, p. 479, (646

Judges Opinions, p. 272, 465, 507, (696

K.

Keeper Lord, vide Coventry. Williams.

Kensington *Lord sent into* France *in order to a Match*, p. 114

King Charls *vide* Charls.

King James *vide* James.

Knighthood, p. 203

Knightly *Captain*, p. 15

Knolls *Sir* Robert, ibid.

L.

Lamb *Dr. killed by a tumult in* London *Streets*, p. 630

Lamb *Sir* John, p. 440

Laud *Dr.* p. 61, 62, 159, 171, 202, 426, 443, 444, 466, 630, 646, 647, 649, *Libels cast abroad against him*, p. 672

Lenthal *Mr.* p. 700

Littleton *Mr.* p. 534. Ap. 28

Loan Money, p. 419, 422, 424, 426 *A List of the Gentry imprisoned about Loan Money*, p. 432, (477

London *City required to lend One hundred thousand pounds*, p. 419. *They dispute it*, ibid. *A Letter to them about Dr* Lamb, p. 630.

Long *Mr. brought upon a* Habeas Corpus, p. 675. *His Case in* Star-chamber, p. 694. Ap. 18

Lukenar *Mr* Christopher, p. 639

M.

Mainheim *taken*, p. 70

Mallory *Mr.* p. 55

Mansel *Sir* Robert *sent against* Algier, p. 34

Mansfield *Count raises an Army of Twelve thousand men*, p. 156. *A List of some of his Regiments*, p. 157. *Their miscarriage at Sea*, p. 158

Manwaring *Dr. his two Sermons concerning the Loan*, p. 427. *Mr* Rous *Speech against him*, p. 593. *The Commons Declaration against him*, p. 601. *Mr* Pim's *Speech thereupon*, p. 604. *The Sentence against him*, p. 612. *His submission*. p. 613. *His Sermon suppressed by Proclamation*, p. 645, *Pardoned*, p. 647. *And advanced*,

Mason *Mr.* p. 570. App. 20, 44, (45

Martyn *Sir* Henry, p. 527, 585, 600, (629

Matthew *Sir* Toby, p. 103

May *Sir* Humphry, p. 546

Melvyn *Mr.* p. 639

Michael *Sir* Francis *sentenced*. p. (28

Mompeson *Sir* Giles *imprisoned*, p. 24. *Sentenced*, p. 27, 28.

Morgan *Sir* Charls, p. 425, 649

Morton *Sir* Albertus, p. 169

Montague, p. 177, 180, 181, 202, 213. *Advanced to a Bishoprick, and his* Apello Cæsarem *called in*, p. 646. *Pardoned*, p. 647

Murrey *Mr.* p. 441, 442

N.

NEal *Dr. Biſhop of* Wincheſter, p. 630
Netherlands *appear ready to imbrace the antient union with* England, p. 110. *Six thouſand Engliſh ſent thither,* p. 425
Nobility, p. 237
Noy *Mr. upon a* Habeas Corpus, p. 463, 569, 642. *Concerning Tonnage and Poundage,* p. 666. *About Cuſtoms,* p. 668.

O.

OLivares Conde *his Letter concerning the Match,* p. 71, 72, 84, 103, 113, 120

P.

PAlatinate. *A War breaks forth in* Germany, p. 5. *The Emperor adopts* Ferdinando *to be King,* p. 6. *The Evangelicks Aſſemble at* Prague, ibid. *The firſt occaſion of the troubles in* Bohemia, ibid. *The Evangelicks offer violence to the Emperors Council,* p. 7. *And put forth a Declaration,* ibid. *The Emperor publiſhes a* Manifeſto *in contradiction thereof,* ibid. *Both parties arm,* p. 8. *A Blazing Star appears,* ibid. *The Emperor* Matthias *dies,* p. 11. *A Ceſſation of Arms propoſed,* ibid. *King* James *ſend an Ambaſſador,* ibid. *The Evangelicks oppoſe the chuſing of* Ferdinando *to be King,* ibid. Bethlem Gabor *joyns with the Evangelicks,* p. 12. *The* Palatine *craves King* James *his advice,* ibid. *Accepts the Crown before he receives an Anſwer,* ibid. *King* James *diſlikes the action,* p. 13. *The King of* Poland *aids the Emperor,* ibid. *The* Palatine *proſcribed,* p. 14. *King* James *aſſiſts the* Palatine *with one Regiment,* ibid. *The Evangelicks chuſe a* Generaliſſimo, ibid. *King* James *diſlikes the War,* ibid. *An Army of thirty thouſand raiſed under* Spinola, ibid. *Marches towards* Bohemia *therewith,* p. 15. *The Proteſtants diſcouraged upon the approach of the Army,* ibid. *The Elector of* Saxony *executes the Ban againſt the* Palatine, ibid. *The Battel at* Prague, p. 17. *An Order of the King and Council to recover the* Palatinate, ibid. *The Princes of the Union decline the* Palatine, p. 21. Palatine *propounds a Peace,* ibid. *Proteſtant Towns reconciled to the Emperor,* p. 23. *The Emperor proceeds to execution of divers Proteſtants,* p. 34. *The Emperors reply to the Lord* Digbies *demands,* p. 37. *The Duke of* Bavaries *anſwer,* ibid. *The Emperors anſwer to Don* Balthazar, p. 38. *The* Palatine *ſpoiled of his Hereditary Dominions,* p. 55. *King* James *offers terms on the* Palatines *behalf, and the Emperors anſwer,* p. 56. *An Order of the Council to raiſe moneys for the Palatinate,* p. 60. Heidelburgh *beſieged,* p. 66. *And taken,* p. 69. Manheim *taken,* p. 70. *No good intention in the Emperor, nor King of* Spain, *as to the* Palatinate, p. 70, 71. Frankendale *blocked up,* p. 74. *The Electorate conferred upon the Duke of* Bavaria, ibid. *The Proteſtant Princes Plea for the* Palatine, p. 74, 75. *Sir* Dudley Carlton *concerning the* Palatine, p. 76. *The* Palatine *labors to engage Prince* Charls *againſt the marriage with* Spain, p. 102. *King* James *puts the* Palatine *in hope by a Propoſal of new terms,* p. 108. *King* James *demands the Town of* Frankendale, *depoſited in the Arch-Dutcheſs hands,* p. 155. *A Monument erected for two Brothers,* [Fairfaxes] *ſlain at*

at Frankendale, ibid. *An Army under Count* Mansfield, *raiſed for the relief of the* Palatinate, p. 156. *A Liſt of the Regiments for the* Palatinate, p. 157. *The Miſcarriage of the Army*, pag. 158.

A

The Parliament meets, p. 20. *Adjourned*, p. 35. *Their Declaration on behalf of the* Palatinate, p. 36. *Meet again*, p. 39. *Their Petition and Remonſtrance to the King*, p. 40, 41, *&c. King offended thereat*, p. 43. *They notwithſtanding ſend the Petition*, p. 44. *A ſecond Parliament meets*, p. 115. *Sir* Thomas Crew *choſen Speaker*, p. 117. *They juſtifie the Duke in his Narrative*, p. 126. *And adviſe the King not to proceed in the two Treaties of the Marriage, and the* Palatinate, p. 128. *Give the King three Subſidies and three Fifteens*, p. 135.

B

C

A Parliament called again, p. 175. *Kings Speech in Parliament*, ibid. *The Lord Keepers Speech*, p. 176. *Sir* Thomas Crew *choſen Speaker*, ibid. *Two Subſidies granted*, p. 178. *Parliament adjourned to* Oxford, ibid. *Where they inſiſt upon grievances*, p. 180. *And again queſtion* Montague, ibid. *Are moved by the King to haſten Supply*, p. 181. *Preſent a Petition to the King againſt Recuſants*, p. 185. *And fall upon grievances*, p. 194, 195. *They are diſſolved*, p. 195. *A particular of what Acts paſſed the Firſt Seſſion of this Parliament*, ibid. *A ſecond Parliament meets*, p. 206. *Lord Keepers Speech*, p. 206, 207. *Sir* Hennage Finch *choſen Speaker*, p. 208. *His Speech*, ibid. *They fall upon grievances*, p. 211. *And again fall upon* Montague, p. 213. *A Report of the cauſe of Evils and Remedies*, p. 218. *Several Meſſages from the King*, p. 219, 220. *Doctor* Turners *Queries in Parliament*, p. 221. *His Explanation*, p. 222. *His Letter*, p. 223. *Cauſes of grievances again opened in the Houſe*, p. 223, 224. *Three Subſidies and three Fifteens Voted*, p. 225. *Debate concerning the Duke reſumed*, ibid. *The Kings and Lord Keepers Speech concerning him*, p. 225, 226. *A Liſt of the Moneys diſburſed for the War delivered to the Commons*, p. 236. *The Commons preſent a Remonſtrance to the King*, p. 247. *And ſend a Meſſage to the Duke*, p. 251. *Afterwards prefer an Impeachment againſt him*, p. 307. *Managed at a Conference by Eight Members*, p. 306, 307, 308, *&c. Their Meſſage to ſecure the Duke*, p. 361. *Diſcontented at the Commitment of Sir* John Elliot, p. 362. *Their Proteſtation concerning him, and Sir* Dudley Diggs, p. 364, 365. *A great conteſt in the Houſe of Peers, concerning the impriſonment of the Earl of* Arundel, p. 367, 368, *&c. The Commons diſſatisfied that the Duke is choſen Chancellor of* Cambridge, p. 376, 377. *The Lords Petition to the King to ſtay the diſſolving of the Parliament*, p. 402. *A Commiſſion to diſſolve the Parliament*, p. 403. *The Commons Remonſtrance*, p. 404, 405, *&c. The Kings Declaration againſt the Commons Remonſtrance*, Appendix p. 1. *A Speech to the Parliament without doors*, p. 485. *A Grand Committee ſetled*, p. 494. *Debates in Parliament, as to grievances*, p. 496. *The Parliament Debates the buſineſs of the* Habeas Corpus, p. 502. *Arguments about it*, p. 503, 504, *&c. A Conference about the* Petition of Right, p. 533. *Their Petition about the Billeting of Soldiers*, p. 548. *Archbiſhop* Abbot *his Speech concerning the* Petition of Right, p. 552. *Propoſitions tendered by the Lords inſtead of the* Petition of Right,

D

E

F

16 Jac. 1618.

1 Car. 1625.

Right. p. 553. *The Commons dissatisfied with the Propositions*, p. 554. *They meet the* 20 *of* January, p. 655. *Make enquiry about the* Petition of Right, *and the violation thereof*, ibid. *A Report from the Committee concerning Religion*, p. 658. *The Vow of the House of Commons*, p. 666. *Several debates about Tonnage and Poundage*, ib. *The King commands the Speaker not to put the Question*, p. 670. *Debates thereupon*, ibid. *The Speaker held in the Chair*, ib. *The King sends the Usher of the Black-Rod, and he is not admitted*, ibid. *The King grants Warrants to apprehend several Members of Parliament*, p. 671. *His Speech at the dissolution of the Parliament*, p. 672. *Members of Parliament are examined before the Lords of the Council*, ibid. *Questions propounded by the Judges concerning the imprisoned Members.* ibid.

Paul *Sir* George, p. 244

Pembroke *Earl*, p. 217

Pennington *Captain*, p. 179, 334, 335

Petition of right, p. 597, 598

Perrot *Sir* James, p. 55

Phillips *Sir* Robert, p. 55, 498, 505, 543, 559, 655

Plague increaseth in London, p. 175 *Number of them who died* Anno 1625.

Popes assent to the Match, p. 66. *His Letter to the Duke of* Buckingham, p. 80. *His Dispensation comes clogged*, p. 84. *Pope* Urban *to King* James, p. 93. *To Prince* Charls, p. 98

Preachers directions concerning them, p. 64, 65. *Proclamation against Preaching and Disputing*, p. 416

Privy-Seals, p. 420

Projects for raising money, App. 12

Proxies in the House of Peers, p. 273

Puritans, p. 22, 4. 171. *Described by Sir* Jo. Lamb, p. 424, 425

Pym *Mr.* p. 55, 339, 531, 568, 604

Q.

Queen Anne *dieth*, p. 10

R.

Rawleigh *Sir* Walter *his life sought by* Gundomar, p. 4. *And is Sacrificed to satisfie* Spain, p. 9. *A Letter concerning him*, ibid.

Romish Recusants Immunities granted to them, p. 14. *The King sollicited for favor to them*, p. 36, 37. *A Petition and Remonstrance against them*, p. 40, 41. *The Kings Answer thereunto*, p. 46. *The King shews further favor to them*, p. 52. *Excused*, p. 53. *Articles in favor of them*, p. 89. *Pope* Urbans *Letter on behalf of the Romish Religion*, p. 95, 98. *They promote the Match with* Spain, p. 102, 103, *King* James *his Letter concerning a Petition against them*, p. 140. *The Petition it self*, p. 141. *The Kings Answer to the Petition*, p. 143. *Recusants taken at* Clerkenwell. p. 478. *A Conference against them*, p. 510. *Debates in Parliament against them, and Priests arraigned at* Newgate. p. 668.

Petition *of* Right. p. 597. 598.

Rhee *Island*, p. 431, 466. *Several Passages there*, p. 467, 468, 469.

Richardson *Sir* Thomas, p. 23.

Rich[illegible] *Sir* Nathaniel, p. 55, 361, 614.

Rochel, p. 178, 411, 430, 467, 594, 595, 647, 648

Rolls *Merchant*, p. 654, 665, 666

Rous *Mr.* p. 593. *His Speech concerning Religion*, p. 657.

Rudyard *Sir* Benjamin, p. 497, 557, 629

S.

S.

SAckvile *Sir* Edward, p. 15, (16, 31
Sectaries p. 22 *a.*
Selden *Mr.* p. 55, 314, 528, (536, 569, 615, 631, 640.
(*Brought upon a* Habeas (Corpus p. 689, 692.
Seymor *Sir* Francis p. 495.
Sherborne *Mr.*
Sherland *Master* p. 345, 346, (*&c.*
Sheriffs Oath excepted againſt, pag. (201.
Ship Vantguard *employed againſt* Rochel, p. 178.
Ships to be ſet out by Port Towns, pag. (419.
Ships Arrears for Fraight, pag. 470.
Sibthorp *Dr. complains againſt the Puritans*, p. 424. *His Sermon concerning Loan*, p. 426. See 440, (448.
Smith Richard, *Biſhop of* Calcedon, *ſent into* England, p. 158, 159, (645.
Soveraign Power, p. 50 *a.* 567, (568, 569, 570, 571, 572, (573, *&c.*
Spain vide Digby.
Speaker vide { Crew *Sir* Thomas. Finch *Sir* Hennage. Finch *Sir* John.
Spinola p. 14, 15.
Stafford *Captain*, p. 15.
Star *Blazing appears*, p. 8. *Opinion thereupon* ibid.
Star-Chamber *Information againſt Members of Parliament*, p. 675. *Order there concerning the Duke*, p. 638.
Stroud *Mr. brought upon a* Habeas Corpus p. 675. Appendix, (p. 18.

T.

TErm *adjourned to* Reading, (p. 201.
Turner *Dr. A Phyſitian his Queries*, ibid. *His explanation*, p. 222, (226.

V.

VAlentine *Mr. his Caſe*, Ap- (pend. 49
Vaſſal *Mr. his Goods ſeiſed on about Cuſtom*, p. 653. *Proceeded againſt in* Star-Chamber, ibid. *His Plea to the Information*, ibid. *Votes for Reparation*, Appendix 56, (57
Vere *Sir* Horatio, p. 14, 15, 40.
Villers *Sir* Edward, p. 23.
Undertakers ibid.

W.

VVAlter *Sir* William. pag. (223.
Wandesford *Mr.* p. 356, 546, (615.
Warwick *Earl ſent to ſecure* Langor-point p. 199.
Wentworth *Sir* Thomas p. 496, (527, 529, 544, 560, (568.
Weſton *Sir* Richard, p. 12 *f.* 23, (56, 66, 129, 219. (*Made Lord Treaſurer*, (p. 646.
Williams *Dr. Sworn Keeper of the Great Seal*, p. 36, 39, 52. *Excuſes the Kings favor to Recuſants*, p. 61, 62, 63, 151, 164, 176. *Refuſes to proceed againſt the Puritans*, p. 424. *A Paſſage of the Information in* Star-Chamber *againſt him*, p. 425.
Wilmot *Captain*, p. 15
Wimbleton *Viſcount*, p. 198

Y.

INDEX.

X.

YElverton Sir Henry accused by the Commons, pag. 31. His Speech thereupon, ibid. At which King James is offended, p. 32. His particular Answer in Serie Temporis, ibidem.

King James again offended with him, p. 33. His Sentence and Restauration, p. 34.

Z.

ZUinga Don Balthasar, pag. 28, 59.

FINIS.

A Catalogue of such Books as are Printed for, and sold by Mr. *George Thomaſon* at the Roſe and Crown in St. *Pauls* Church-yard.

Sancti Johannis Chryſoſtomi opera Græcè octo voluminibus Etonæ. Folio.

Purchas his Pilgrimage or Relations of the World, and the Religions obſerved in all ages and places diſcovered, from the Creation unto this preſent; containing a Theological and Geographical Hiſtory of *Aſia*, *Africa*, and *America*, with the Iſlands adjacent, *&c.* By *Samuel Purchas*. Folio.

Hakluytus Poſthumus, or *Purchas* his Pilgrimes, containing a Hiſtory of the World, in Sea Voyages, and Land Travels by Engliſhmen and others. By *Samuel Purchas*, in Four Volumes, Folio.

The Hiſtory of the Parliament of *England*, which began *November* the Third, 1640. With a ſhort and neceſſary view of ſome precedent years. By *Thomas May* Eſq; Folio.

The Text of the New Teſtament of Jeſus Chriſt, Tranſlated out of the Vulgar Latine by the Papiſts of the Traiterous Seminary of *Rhemes*. Whereunto is added the Tranſlation out of the Original Greek, commonly uſed in the Church of *England*, *&c.* By *W. Fulke*, D. D. and ſometimes Maſter of *Pembroke-Hall* in *Cambridge*. Folio.

The Hiſtory of the Reformation of the Church of *Scotland*, containing Five Books, together with ſome Treatiſes conducing to the Hiſtory. By *John Knox*. Folio.

Two Treatiſes: In the one of which, the Nature of Bodies; in the other, the Nature of Mans Soul is looked into. In way of diſcovery of the Immortality of Reaſonable Souls. By Sir *Kenelme Digby*. Folio.

Hiſtoire de l'entre de la Reyne Mere du Roy tres Chreſtien dans les Provinces Unies des pays bas avec des Figures. Hiſtoire de l'entre de la Reyne Mere du Roy tres Chreſtien dans la Grande Britaigne avec des Figures par le Sieur de la Serre, Hiſtoriographe. Folio.

Ad Sereniſſimum Jacobum primum Britanniarum Monarcham, Eccleſiæ Scoticanæ libellus ſupplex, Authore Jacobo Melvino. Quarto.

Polycarpi & Ignatii Epiſtolæ unà cum vetere vulgata interpretatione Latina, ex trium Manuſcriptorum codicum collatione, integritati ſuæ reſtitutæ: quibus præfixa eſt Jacobi Uſſerii Archiepiſcopi Armachani diſſertatio. Quarto.

Appendix Ignatiana in qua continentur, 1. *Ignatii Epiſtolæ Genuinæ,* 2. *Ignatii Martyrium à Philone Agathopode & aliis deſcriptum,* 3. *Tiberiani, Plinii Secundi, & Trajani imp. de Conſtantia Martyrum illius temporis Epiſtolæ,* 4. *Smyrnenſis Eccleſiæ de Polycarpi Martyrio Epiſtola.* 5. *In Ignatii & Polycarpi Acta, atque in Epiſtolas etiam Ignatio perperàm adſcriptas Annotationes Jacobi Uſſerii Armachani.* Quarto.

ΚΛΗΜΕΝΤΟΣ ΠΡΟΣ ΚΟΡΙΝΘΙΟΥΣ ΕΠΙΣΤΟΛΗ ΠΡΩΤΗ: *Clementis ad Corinthios Epiſtola Prior. Patritius Junius ex lateris Reliquiis vetuſtiſſimi examplaris Bibliothecæ Regiæ, eruit.* Quarto.

Purchas his *Pilgrim Microcoſmus*, or the Hiſtory of Man, relating the wonders of his Generation, Vanities in his Degeneration, neceſſity of his Regeneration; meditated on the words of *Dævid*, *Pſal.* 39. 5. By *Samuel Purchas*. Octavo.

Saint *Auguſtine* his Enchyridion to *Laurence*, or the cheif and principal Heads of all Chriſtian Religion, the Second Edition. Twelves.

Theologia Naturalis, ſive liber Creaturarum ſpecialiter de homine & de Natura ejus, in quantum homo & de his quæ ſunt ei neceſſaria ad cognoſcendum Deum & ſeipſum, & omne debitum ad quod homo tenetur & obligatur tam Deo quàm proximo. Authore Raymundo de Sabunde, Octavo.

Frederici Spanhemii Epiſtola ad Nobiliſſimum Virum Davidem Buchananum, ſuper controverſiis quibuſdam quæ in Eccleſiis Anglicanis agitantur. Octavo.

The Works of *Edward Reynolds*, D. D. containing three Treatiſes, of the Vanity of the Creature, Sinfulneſs of Sin, the Life of Chriſt. An Explication of *Pſal.* C X. Meditations on the Sacrament of the Lords Supper. An Explication of the Fourteenth Chapter of *Hoſea*. A Treatiſe of the Paſſions and Faculties of the Soul. Collected in Folio.

Divers Sermons Preached upon ſeveral occaſions by *Edward Reynolds*, D. D. Quarto.

A Treatiſe touching the Peace of the Church, or an Apoſtolical Rule how to judge aright in differences which concern Religion. Publiſhed by Authority. Quarto.

A Treatiſe of Uſe and Cuſtome. By *Mer. Cauſabon*. D. D. Quarto.

Deus, Natura, Gratia; ſive tractatus de Prædeſtinatione, de meritis & peccatorum Remiſſione, ſeu de Juſtificatione, & denique de ſanctorum invocatione, reliquiarum & imaginum veneratione, de indulgentiis & Purgatorio, & ſub finem de Excommunicatione. Acceſſit Paraphraſtica Expoſitio reliquorum Articulorum confeſſionis Anglicæ. Per Fr. Franciſcum Sanctæ Clara. Octavo.

Apologia Epiſcoporum, ſeu Sacri Magiſtratus Propugnatio. Multa multorum vocibus ventilantur, & mendacia adverſus ſacerdotes Dei, de Diaboli ore prolata, ad rumpendam Catholicæ unitatis concordiam ubique jactantur. Authore Franciſco à Sancta Clara. Octavo.

A CATALOGUE of such BOOKS as are Printed for, and Sold by Mr. George Thomason at the Rose and Crown in St. Pauls Church-yard.

